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ABSTRACT

Herein are contained abstracts of state laws and regulations governing postsecondary education in three sectors: public, private degree-granting, and private nondegree-granting. With some exceptions, all obtainable statutes having the force of law are included. The statutes are arranged by state. Each abstract includes basic identifying data, information on the applicability of the law or regulation, consumer protection provisions, routine application and renewal procedures for licensure or authorization, a description of compliance enforcement, and mention of any other consumer protection features. An index is provided. (MSE)

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ABSTRACTS OF STATE AUTHORIZING AND OVERSIGHT LAWS AND REGULATIONS

A STUDY OF STATE OVERSIGHT IN POSTSECONDARY EDUCATION

BEST COPY AVAILABLE

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U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

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1 December 1977

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PREFACE

This volume contains abstracts of state laws and regulations governing postsecondary education in three sectors: public, private degree-granting, and private nondegree-granting. All obtainable statutes and regulations having the force of law are included except: (1) general incorporation or chartering legislation; (2) constitutional provisions authorizing the establishment of institutions; (3) general consumer protection laws; and (4) provisions authorizing tuition aid to students or financial grants to private institutions. For information on how the statutes and regulations were obtained, processed, reviewed by state officials, and corrected, see the Final Technical Report of this project (AIR report #59400-12/77-FR).

The abstracts that follow are arranged and page numbered by state. Laws and regulations of one state governing private institutions are placed first, followed by those relating to public institutions. Regulations follow the law under which they were promulgated. The numbers assigned to the laws are arbitrary classifications; regulations are coded to the appropriate law.

The abstract of each law or regulation contains six sections. Section 1 includes basic identifying data such as title, date, purpose, effect, and coverage. The first sections of the abstracts of all laws and regulations for one state are placed together to serve as an index to that state's laws. Sections 2-6 of the abstract of the first law follow, then Section 2-6 of the abstract of that law's regulations, if any, then the abstract sections of the next law, and so on.

Section 2 of each abstract contains information on the applicability of the law or regulation. The first item in this section is a quote of the basic prohibition of the law or regulation. Then the types of institutions covered are defined, followed by a list of those institutional types specifically excluded from coverage. Finally, any special provisions or differentiations regarding ownership status, accreditation, correspondence institutions, out-of-state institutions, nontraditional programs or degree vs. nondegree-granting institutions are noted.

Section 3 provides information on the consumer protection provisions of the laws and regulations. Each lettered paragraph includes provisions related to one specific consumer protection issue as listed below:

HE009658

a. Institutional purpose, governance, operation and organization
b. Course length, content, goals, or objectives
c. Degree, diploma, credential, or graduation requirements
d. Qualifications of instructional or administrative staff
e. Facilities
f. Financial stability
g. Qualifications of potential students and orientation of entering students
h. Public disclosure of material facts
i. Advertising or sales/recruiting practices
j. Student and personnel recordkeeping practices
k. Financial practices
l. Refund policies and practices
m. Placement
n. Other

Section 4 includes information on routine application and renewal procedures for authorization or licensure, organized as shown:

a. Administrative agencies and their consumer protection duties
b. Official evaluations of institutions or programs
c. Inforamtion or reports required
d. Authorization or renwal period
e. Fees
f. Temporary or conditional approval
g. Other

Section 5 describes how compliance with statutes and regulations is enforced. Paragraph a lists enforcement agencies; paragraph b, complaint handling procedures; c, reasons and procedures for denial or revocation of licenses; d, other enforcement procedures and sanctions; and e, other.

Section 6 includes mention of any other consumer protection features of the statutes or regulations that were not previously abstracted, including any provisions relating to need for an institution.

In addition to the abstracts, this volume contains an index indicating the sector of postsecondary education to which each law and regulation applies. A state's laws and regulations are grouped together and the classification number assigned to each abstract is recorded in columns whose headings identify the types of institutions to which that law or regulation applies. Each abstract classification number is recorded on a separate row so that cases of multiple coverage of institution types can be easily identified.

Within the index, laws and regulations pertaining to public institutions are separated from those covering private institutions. The private laws and regulations are further divided into those for degree-granting institutions and those for nondegree-granting institutions. Within the degree-granting sector, there is a further breakdown into four subcategories: (1) laws and regulations governing traditional, degree-granting institutions; (2) laws and regulations containing degree requirements that pertain only to certain, specifically defined institutions, such as vocational-technical schools; (3) laws and regulations that may apply to institutions that may grant degrees (in other words, degree-granting institutions are not specifically exempted from coverage although the law or regulation does not contain any provisions relating to requirements for granting degrees; and (4) insubstantial laws of a type that merely authorize the granting of degrees but set no standards or requirements for engaging in this practice.

A researcher investigating authorizing/oversight laws and regulations pertaining to a limited sector of postsecondary education is encouraged to use the index to identify the appropriate abstracts. It would also be wise to check Section 2 of each identified abstract for further details on applicability; it is an understatement to point out that this is a very complex issue.

The authors would like to express their thanks to all the individuals who helped in putting this document together, especially to: (1) all the directors and staff of state agencies who supplied material and patiently answered our questions; (2) Dr. William Kaplin, Professor of Law at Catholic University in Washington, D.C., our primary legal consultant; and (3) Mss. Jean Reynolds, Beverly Harlan, Pat Spurr, and Jeanette Langdell, who capably managed the technical details of the abstract production.

SECTOR INDEX TO STATE LAWS & REGULATIONS GOVERNING POSTSECONDARY INSTITUTIONS

State	Laws/Regs Governing Public Institutions	Laws/Regulations Governing Degree-Granting Institutions				
		Laws/Regs Governing Nondegree-Granting Institutions	Laws/Regulations Governing Degree-Granting Institutions			
			Laws/Regs Governing Traditional Degree-Granting Institutions	Laws/Regs Containing Degree Requirements Applicable Only to Certain Institutions	Laws/Regs That May Apply to Institutions That May Grant Degrees	In-substantial Laws
ALABAMA	AL-01					
		AL-02				
		AL-02-1				
	AL-03					
ALASKA		AK-01			AK-01	
	AK-02					
	AK-03					
ARIZONA		AZ-01				
		AZ-01-1				
	AZ-02					
	AZ-02-1					
ARKANSAS		AR-01				
		AR-01-1				
		AR-02				
		AR-02-1				
		AR-02-2				
		AR-02-3				
		AR-02-4				
		AR-02-5				
		AR-02-6				
	AR-03		AR-03			
			AR-03-1			
			AR-03-2			
			AR-03-3			
			AR-03-4			
			AR-03-5			
			AR-03-6			
			AR-03-7			
	AR-04					
	AR-05					
	AR-06					
	AR-06-1					
CALIFORNIA		CA-01	CA-01			
		CA-01-2	CA-01-2			
		CA-01-3	CA-01-3			
		CA-01-4	CA-01-4			
	CA-02					
	CA-03					

SECTOR INDEX TO STATE LAWS & REGULATIONS GOVERNING POSTSECONDARY INSTITUTIONS

State	Laws/Regs Governing Public Institutions	Laws/Regulations Governing Degree-Granting Institutions				
		Laws/Regs Governing Nondegree-Granting Institutions	Laws/Regulations Governing Degree-Granting Institutions			
			Laws/Regs Governing Traditional Degree-Granting Institutions	Laws/Regs Containing Degree Requirements Applicable Only to Certain Institutions	Laws/Regs That May Apply to Institutions That May Grant Degrees	In-substantial Laws
COLORADO		CO-03				
		CO-03-1				
	CO-04					
	CO-06					
	CO-07					
CONNECTICUT		CT-02				
		CT-02-1				
	CT-03		CT-03			
	CT-03-1		CT-03-1			
	CT-04					
	CT-07		CT-07			
			CT-08			
	CT-09					
	CT-10					
DELAWARE		DE-01/DE-01-1				
			DE-02			
			DE-02-1			
	DE-03					
DIST. OF COL.			DC-01			
			DC-01-1			
			DC-01-2			
		DC-0X-1				
	DC-02					
	DC-03					
FLORIDA			FL-01			
			FL-01-1			
			FL-02			
		FL-03				
		FL-03-1				
	FL-04					
	FL-05					
	FL-05-1					
	FL-06					
	FL-06-1					

SECTOR INDEX TO STATE LAWS & REGULATIONS GOVERNING POSTSECONDARY INSTITUTIONS

State	Laws/Regs Governing Public Institutions	Laws/Regulations Governing Degree-Granting Institutions				
		Laws/Regs Governing Nondegree-Granting Institutions	Laws/Regulations Governing Degree-Granting Institutions			
			Laws/Regs Governing Traditional Degree-Granting Institutions	Laws/Regs Containing Degree Requirements Applicable Only to Certain Institutions	Laws/Regs That May Apply to Institutions That May Grant Degrees	In-substantial Laws
GEORGIA		GA-01				
		GA-01-1				
	GA-02					
	GA-02-1					
	GA-03		GA-03			
	GA-03-1			GA-03-1		
	GA-03-2		GA-03-2			
	GA-04					
	GA-04-1					
HAWAII			HI-01			
		HI-02				
		HI-02-1				
	HI-03					
	HI-03-1					
IDAHO		ID-01			ID-01	
		ID-01-1			ID-01-1	
						ID-02
	ID-03					
ILLINOIS		IL-01				
		IL-01-1				
			IL-03			
				IL-04		
				IL-04-1		
				IL-04-2		
			IL-03-1/IL-04-3	IL-03-1/IL-04-3		
	IL-05					
	IL-06					
	IL-06-2					
INDIANA		IN-01				
				IN-01-1		
	IN-02					
IOWA	IA-01					
		IA-02				
						IA-03
	IA-04					
	IA-05					
	IA-06					

SECTOR INDEX TO STATE LAWS & REGULATIONS GOVERNING POSTSECONDARY INSTITUTIONS

State	Laws/Regs Governing Public Institutions	Laws/Regulations Governing Degree-Granting Institutions				
		Laws/Regs Governing Nondegree-Granting Institutions	Laws/Regulations Governing Degree-Granting Institutions			
			Laws/Regs Governing Traditional Degree-Granting Institutions	Laws/Regs Containing Degree Requirements Applicable Only to Certain Institutions	Laws/Regs That May Apply to Institutions That May Grant Degrees	Insubstantial Laws
KANSAS	KS-01					
	KS-01-1					
	KS-02					
			KS-03			
		KS-04				
		KS-04-1				
	KS-06					
KENTUCKY	KY-02					
			KY-03			
			KY-03-1			
		KY-04			KY-04	
		KY-04-1			KY-04-1	
			KY-05			
LOUISIANA		LA-01				
		LA-01-1				
				LA-02		
	LA-03					LA-03
	LA-04					
	LA-05					
	LA-06					
MAINE	ME-01		ME-01			
	ME-01-1		ME-01-1			
	ME-01-2					
		ME-02				
		ME-03				
		ME-03-1				
	ME-05					
	ME-06					
MARYLAND	MD-01	MD-01	MD-01			
	MD-01-1			MD-01-1		
	MD-01-2		MD-01-2			
		MD-0X-1				
	MD-03	MD-03	MD-03			
	MD-06			MD-06		

SECTOR INDEX TO STATE LAWS & REGULATIONS
GOVERNING POSTSECONDARY INSTITUTIONS

State	Laws/Regs Governing Public Institutions	Laws/Regulations Governing Degree-Granting Institutions				
		Laws/Regs Governing Nondegree-Granting Institutions	Laws/Regulations Governing Degree-Granting Institutions			
			Laws/Regs Governing Traditional Degree-Granting Institutions	Laws/Regs Containing Degree Requirements Applicable Only to Certain Institutions	Laws/Regs That May Apply to Institutions That May Grant Degrees	Insubstantial Laws
MASSACHUSETTS			MA-01			
	MA-02					
	MA-03		MA-03			
				MA-04		
		MA-05				
		MA-05-1				
		MA-06				
		MA-07				
		MA-08				
		MA-08-1				
				MA-09		
	MA-10					
	MA-11					
MICHIGAN		MI-01				
		MI-01-1				
		MI-01-2				
			MI-02			
			MI-03			
		MI-04				
		MI-04-1				
	MI-07					
MINNESOTA		MN-01				
		MN-01-1				
			MN-02			
	MN-03					
	MN-04					
	MN-05					
MISSISSIPPI	MS-01		MS-01			
		MS-02				
		MS-02-1				
	MS-03					
MISSOURI	MO-01					MO-01
	MO-02					MO-02

SECTOR INDEX TO STATE LAWS & REGULATIONS GOVERNING POSTSECONDARY INSTITUTIONS

State	Laws/Regs Governing Public Institutions	Laws/Regulations Governing Degree-Granting Institutions				
		Laws/Regs Governing Nondegree-Granting Institutions	Laws/Regulations Governing Degree-Granting Institutions			
			Laws/Regs Governing Traditional Degree-Granting Institutions	Laws/Regs Containing Degree Requirements Applicable Only to Certain Institutions	Laws/Regs That May Apply to Institutions That May Grant Degrees	Insubstantial Laws
MONTANA		MT-01			MT-01	
		MT-01-1			MT-01-1	
		MT-02			MT-02	
	MT-03					
	MT-03-1					
	MT-04					
	MT-05					
	MT-06					
NEBRASKA		NE-01				
		NE-02				
		NE-02-1				
		NE-03				
		NE-03-1				
	NE-04					
	NE-05					
			NE-06			
NEVADA		NV-01	NV-01			
		NV-01-1	NV-01-1			
		NV-01-2	NV-01-2			
	NV-03					
NEW HAMPSHIRE		NH-01				
		NH-01-1				
		NH-01-2				
			NH-02			
	NH-03					
	NH-04					
NEW JERSEY	NJ-01		NJ-02			
			NJ-02-1			
				NJ-02-2		
		NJ-04				
		NJ-04-1				
	NJ-05					
	NJ-05-1					

SECTOR INDEX TO STATE LAWS & REGULATIONS GOVERNING POSTSECONDARY INSTITUTIONS

State	Laws/Regs Governing Public Institutions	Laws/Regulations Governing Degree-Granting Institutions				
		Laws/Regs Governing Nondegree-Granting Institutions	Laws/Regulations Governing Degree-Granting Institutions			
			Laws/Regs Governing Traditional Degree-Granting Institutions	Laws/Regs Containing Degree Requirements Applicable Only to Certain Institutions	Laws/Regs That May Apply to Institutions That May Grant Degrees	Insubstantial Laws
NEW MEXICO	NM-01					
		NM-02				
		NM-02-1				
		NM-02-2				
		NM-03				
		NM-03-1				
	NM-04					
	NM-05					
	NM-06					
	NM-07					
	NM-08					
	NM-09					
NEW YORK		NY-01				
		NY-01-1				
	NY-02		NY-02			
	NY-02-1		NY-02-1			
	NY-03		NY-03			
	NY-03-1		NY-03-1			
	NY-03-2		NY-03-2			
	NY-03-3		NY-03-3			
	NY-05	NY-05	NY-05			
NO. CAROLINA	NC-01					
			NC-02			
			NC-02-1			
		NC-04				
		NC-04-1				
	NC-06					
NORTH DAKOTA		ND-01				
		ND-01-1				
OHIO		OH-01		OH-01		
		OH-01-1		OH-01-1		
			OH-02			
			OH-02-1			
	OH-03					
	OH-03-1					
	OH-03-2					
	OH-03-3					
	OH-03-4					
	OH-04					

SECTOR INDEX TO STATE LAWS & REGULATIONS GOVERNING POSTSECONDARY INSTITUTIONS

State	Laws/Regs Governing Public Institutions	Laws/Regulations Governing Degree-Granting Institutions				
		Laws/Regs Governing Nondegree-Granting Institutions	Laws/Regulations Governing Degree-Granting Institutions			
			Laws/Regs Governing Traditional Degree-Granting Institutions	Laws/Regs Containing Degree Requirements Applicable Only to Certain Institutions	Laws/Regs That May Apply to Institutions That May Grant Degrees	Insubstantial Laws
(Ohio, cont.)	OH-05					
	OH-06					
	OH-07					
	OH-08					
	OH-09					
	OH-10					
OKLAHOMA	OK-01					
	OK-02					
			OK-03			
	OK-04		OK-03-1/OK-04-1			
		OK-08				
		OK-08-1				
		OK-08-2				
		OK-08-3				
		OK-08-4				
		OK-08-5a,b,c				
		OK-08-6				
		OK-11				
OREGON		OR-01				
		OR-01-1				
	OR-02					
	OR-02-1					
	OR-02-2					
			OR-03			
			OR-03-1			
	OR-04					
PENNSYLVANIA		PA-01				
		PA-01-1				
	PA-02	PA-02	PA-02			
	PA-03		PA-03			
	PA-03-1		PA-03-1			
			PA-03-2			
	PA-03-4			PA-03-4		
			PA-03-5			
	PA-03-6					
			PA-03-7			
	PA-03-8					
	PA-04		PA-04			

SECTOR INDEX TO STATE LAWS & REGULATIONS
GOVERNING POSTSECONDARY INSTITUTIONS

State	Laws/Regs Governing Public Institutions	Laws/Regulations Governing Degree-Granting Institutions				
		Laws/Regs Governing Nondegree-Granting Institutions	Laws/Regulations Governing Degree-Granting Institutions			
			Laws/Regs Governing Traditional Degree-Granting Institutions	Laws/Regs Containing Degree Requirements Applicable Only to Certain Institutions	Laws/Regs That May Apply to Institutions That May Grant Degrees	In-substantial Laws
(Penn., cont.)	PA-05					
		PA-07				
		PA-07-1				
		PA-08				
		PA-08-1				
	PA-00-1					
RHODE ISLAND	RI-02					
	RI-03					
		RI-07	RI-07			
		RI-07-1				
			RI-07-2			
	RI-10					
		RI-11				
		RI-11-1				
SO. CAROLINA		SC-01				
		SC-01-1				
	SC-02					
	SC-03					
				SC-08		
	SC-10					
SOUTH DAKOTA		SD-01			SD-01	
		SD-01-1			SD-01-1	
	SD-02					
	SD-03					
TENNESSEE		TN-01	TN-01			
			TN-01-1			
		TN-01-2			TN-01-2	
				TN-01-3		
		TN-02				
		TN-03				
	TN-04					
	TN-05					
TEXAS			TX-01			
			TX-01-1			
		TX-02				
		TX-02-1,2,3				
	TX-03					
	TX-04					

SECTOR INDEX TO STATE LAWS & REGULATIONS GOVERNING POSTSECONDARY INSTITUTIONS

State	Laws/Regs Governing Public Institutions	Laws/Regulations Governing Degree-Granting Institutions				
		Laws/Regs Governing Nondegree-Granting Institutions	Laws/Regulations Governing Degree-Granting Institutions			
			Laws/Regs Governing Traditional Degree-Granting Institutions	Laws/Regs Containing Degree Requirements Applicable Only to Certain Institutions	Laws/Regs That May Apply to Institutions That May Grant Degrees	In-substantial Laws
UTAH	UT-01					
VERMONT		VT-01				
		VT-01-1				
			VT-02			
			VT-02-1			
	VT-03					
	VT-04					
VIRGINIA		VA-01				
		VA-01-1				
	VA-03					
			VA-04			
				VA-04-1		
			VA-04-2	VA-04-2		
			VA-04-3			
			VA-05			
	VA-06					
WASHINGTON	WA-01					
		WA-03				
		WA-03-1				
	WA-04					
	WA-05					
WEST VIRGINIA		WV-01				
		WV-01-1				
	WV-02					
			WV-03			
			WV-03-1			
				WV-03-2		
WISCONSIN		WI-01			WI-01	
		WI-01-1			WI-01-1	
		WI-01-2			WI-01-2	
	WI-02					
	WI-02-1					
	WI-03					
	WI-03-1					
WYOMING		WY-01			WY-01	
		WY-01-1			WY-01-1	
	WY-03					
	WY-04					

ALABAMA

1. Identification:

AL-02

Title 52, Chapter 45, Sections 641-651. Regulation of certain schools and courses of instruction (Also known as Act No. 87)

Approved: 22 December 1971

Stated purpose: "...to supplement the general law of fraud...so as to provide for students, educational institutions and the general public...added protection." (p. 294)

Basic effect: Requires permits for schools to operate and agents to sell courses or solicit students.

Basic coverage: Private, non-degree granting

AL-02-1

Rules and regulations for private school licensing in the State of Alabama

Dated: 1 March 1972

Stated purpose:

Basic effect: Sets forth minimum standards schools must meet to solicit students, do business in or operate in Alabama; sets procedures for obtaining agent's permits.

NOTE: Private, degree granting institutions are not licensed or regulated.

AL-01

Code of Alabama, Title 52, Chapter 27G, Sec. 513
Alabama Commission of Higher Education

Effective date: 14 May 1969

Stated purpose: Creates the Alabama Commission of Higher Education which "...shall serve in an advisory capacity to the legislature and the governor, ...in respect to state funds for the operation and the allocation of funds for capital improvements of state supported institutions of higher education."

Basic effect: To establish a statewide higher education information system; review and make recommendations concerning existing and new plans for instruction, research, and public service; act in a fact-finding and advisory capacity to the governing boards of institutions of higher education.

Basic coverage: Public institutions of higher education, public degree and non-degree granting

AL-03

Title 52, Chapter 26F - Trade Schools and Junior Colleges - Articles 3 and 4

Effective date: 1963 (revised and included in 1973 cumulative supplement to Vol. 12, Code of Alabama)

Stated purpose: To meet the educational needs of the residents by providing them "...with the opportunity to receive adequate instruction in the arts and sciences and in useful skills and trades; to make available and accessible at least two years of post-high school education to nearly every student in the state." (p. 165)

Basic effect: Authorizes the formation of a public corporation for the purpose of providing for the construction and equipment of additional trade schools and colleges (other than those established as of 1963), and authorizes the Alabama State Board of Education to make rules and regulations for the governance of such institutions, prescribe the courses of study to be offered, and the conditions for granting certificates or diplomas.

Basic coverage: Public degree and non-degree granting (2-year institutions)

AL-02

2. Application (AL-02):

"No school...shall operate within this state unless said school first secures a permit...." (p. 295) "No person representing any school...offering courses in this state, or from a place of business in this state...shall sell any course or solicit students therefor in this state for a consideration or remuneration unless he first secures a permit...." (p. 297)

"No person representing a school...located outside this state, shall sell any course or solicit students therefor in this state for a consideration or remuneration unless he first secures a permit...."

"No person shall be issued a permit to represent any school whether located within or outside this state until it has been determined...that said school has qualified...for a permit." (p. 298)

Exemptions:

a. Parochial or denominational schools offering courses having a sectarian objective.
b. Courses conducted by employers or labor unions exclusively for employees or members.
c. Schools accredited by the State Department of Education for the training of teachers.
d. Non-profit, elementary, or secondary schools established by a community or group of parents with the expectation of establishing a more favorable environment for those in attendance.
e. Schools supported mainly by state and/or local tax funds.
f. All other schools accredited by the State Department of Education.
g. Colleges offering academic courses toward a recognized and valid degree.
h. Schools offering training in professional courses in law and medical careers, including nursing, where the passing of a state board examination is required to be licensed.
i. Any resident private school that is accredited by a nationally recognized accrediting agency approved by USOE.
j. Schools which have been in continuous operation within the state for a period of 20 years or more.
k. Any resident private business school that is accredited by the accrediting commission for business schools, or its successor, provided it is recognized by USOE. (p. 294)

NOTE: Schools exempted by items i or k above shall pay fees, comply with bond requirements, furnish proof of accreditation, and be issued a license and permit. Upon doing this, agents of these schools shall be issued licenses. (pp. 294-295)

NOTE: Permits to represent schools located outside of the state will not be issued until it has been determined that the school qualifies for a school permit. (p. 298)

3. Coverage (AL-02):

Permits may be issued provided the institution is complying with the following standards:

a.

b. ● The courses, curriculum, and instructions are consistent in quality and content with recognized educational standards.

c.

d. ● There is adequate instructor personnel to provide training of good quality. (p. 296)
   ● The school administrators, directors, owners, instructors, and other employees are of good moral character and reputation. (p. 297)

e. ● There is adequate space, equipment, and instructional material to provide training of good quality.

f. ● The school is financially sound and capable of fulfilling its commitments for training.
   ● Applications for a school permit shall be accompanied by a continuous surety bond in the penal sum of $10,000. (p. 296)
   ● Applications for an agent's permit shall be accompanied by a continuous surety bond in the penal sum of $2,500. A blanket bond covering each of its representatives in the amount of $2,500 may be supplied by the school. (p. 297)

g.

h. ● A permit application must be accompanied by copies of the current catalog or bulletin which have been certified as true and correct in content and policy by an authorized official of the school and which must include: (1) identifying data such as volume number, date, and publication; (2) name of the school and its governing body, officials, and faculty; (3) a clear and concise statement of the objectives of the training given; (4) the exact manner in which the stated objectives are to be attained; and (5) such other reasonable data as may be imposed.

i. ● No person shall make any statement or representation concerning the operation or courses of a school if such person knows or reasonably should know the statement to be false, inaccurate, or misleading.
   ● No person shall promise or guarantee employment that uses training unless such person offers a bona fide contract of employment for at least 6 months in a business conducted by him in which such training is a normal condition of employment.
   ● No person shall operate a school, conduct courses, or solicit students if such person knows or reasonably should know that any phase or incident of the conduct or operation of the school or administration of the course is being carried on by the use of fraud, deception, or other misrepresentation or by a person operating a school or soliciting students without a permit. (p. 295)
   ● The issuance of a permit shall not be deemed to constitute approval. Any representation or implication to the contrary shall be a misrepresentation. (p. 298)

j. ● Adequate records are kept to show attendance and student progress. Records must be available upon request of the student to be furnished to prospective employers and other interested parties. (p. 296)

4. Administration (AL-02):

a.
- The Alabama State Department of Education issues permits. Fees for permits are deposited to the credit of the Alabama State Approving Agency in the Department of Education. (p. 298)
- The Alabama State Board of Education is authorized to adopt rules and regulations and shall establish an Advisory Committee.
- The Advisory Committee of owners or operators of institutions and of other knowledgeable persons shall advise the Department in its administration of this chapter. (p. 299)

b.
- See final prohibition in Section 2.

c.
- Applications for school permits shall be made on forms furnished and accompanied by two copies of the current catalog or bulletin (see 3h), as well as appropriate fees and the surety bond. If a school operates in more than one location, a separate permit shall be obtained for each location. (p. 296)
- Applications for agent's permits shall be made on forms furnished and accompanied by the appropriate fees and bonds. A separate permit is required for each school represented. (p. 297)

d.
- A school permit and an agent's permit are valid for 1 year from the date issued. (pp. 296, 297)

e.
- Applications for a school's permit shall be accompanied by a fee of not more than $250. Renewal fees are not more than $100.
- The State Board of Education may reduce these fees if it is determined that proper administration of the chapter can be accomplished by collecting lesser fees.
- All fees shall be deposited in the State Treasury to the credit of the State Approving Agency in the State Department of Education. (p. 296)
- The agent's permit application fee is $50 and the renewal fee is $25. Fees are to be deposited as above. (pp. 297-298)

5. Enforcement (AL-02):

a.
- The Alabama State Department of Education may revoke permits upon notice and institute such action of law or in equity as may be necessary to enforce the provisions of this chapter.
- The Department has the power to institute an action by its own attorney, but it shall have the right to call upon any county solicitor or district attorney to represent it in the circuit courts or the Attorney General to represent it on appeal.
- All legal actions shall be brought against the State Department of Education in the name of the State Board of Education.
- The State Board holds hearings to review decisions of the Department when the aggrieved party petitions. (p. 299)
- The Circuit Court of Montgomery County reviews decisions of the Board upon filing of a writ of certiorari. The court has the power to suspend or stay actions of the Board pending the Board's final hearing and to reverse, vacate, or modify the action complained of if it is of the opinion that the action is unlawful. (p. 300)

b.

c.
- Permits may be revoked: (1) if the holder solicits or enrolls students or administers instructions through fraud, deception, or misrepresentation; (2) upon finding that the holder is not of good moral character and reputation; (3) if the permit to operate the school he represents is revoked; or (4) if it is determined that the school located outside the state the holder represents does not meet the requirements of this chapter. (p. 298)
- An extensive procedure for review of actions by the State Department of Education was included. (See 5a for an outline of it. In addition note the following.)
- The circuit court shall have the power to suspend or stay actions of the State Board of Education complained of in the petition pending final hearing, only upon petitioner executing a bond in such amount as the court deems reasonably sufficient to pay all costs of appeal if said petition shall not be sustained, but in no case shall said bond be less than the reasonable cost of the transcript of the hearing before the Board. (p. 300)

d.
- School or agent bonds shall be conditioned to provide indemnification to any student suffering loss as a result of any fraud or misrepresentation used in procuring his enrollment in and/or administering a course covered by this chapter.
- The aggregate liability on the surety of bonds shall in no event exceed their penal sums. (pp. 296, 297)
- The fact that a bond is in force shall not limit or impair any right of recovery otherwise available under law, nor shall the amount of the bond be relevant in determining the amount of damages or other relief to which the plaintiff may be entitled. (pp. 297, 298)
- No recovery against any student shall be had on any contract if the school and/or agent were not the holders of permits at the time the contract was negotiated. (pp. 297, 298)
- No recovery shall be had on any contract by a third party where the selling of the course or the conduct or operation of the school or the administering of the course is carried on by use of fraud, deception, or other misrepresentation or if the person(s) operating the school, administering the course, or soliciting students is without a permit. (p. 298)
- See first item of 5a.
- In addition to any other remedy under this chapter, the Department may apply for relief by injunction, mandamus, or any other appropriate remedy in equity without being compelled to allege or prove that an adequate remedy at law does not exist.
- The Department shall not be required to give or post bond in any action to which it is a party. (p. 299)
- It shall be unlawful for any person to violate any provisions of this chapter. Operating without a permit shall be a misdemeanor punishable by a fine up to $500 or imprisonment up to 6 months or both. Each day's violation is a separate offense. (p. 300)

AL-02-1

2. Application (AL-02-1):

"No school as defined by the Act and these Rules and Regulations...shall solicit students, do business in, or operate in Alabama without first obtaining a permit...." (p. 4)

See first prohibition regarding agent's activities in section 2 of AL-02.

NOTE: The definition of "school" includes instruction conducted by mail and does not apply to schools and courses specifically exempted by the Act. (p. 3)

NOTE: Regulations regarding refund policies of correspondence schools are different from those for other schools.

3. Coverage (AL-02-1):

a.

b.
- The following are general requirements: (1) the subjects, courses, curriculum, and instruction shall be consistent in length, intensity, and educational quality necessary to reach professed or proclaimed objectives of that particular course (sic); (2) the courses and curriculum shall be organized on a systematic basis and when applicable shall include classrooms, fields of study, shops, laboratory, or work experience training; (3) the subjects, courses, and curriculum shall be designated to increase the skill, knowledge, occupational information, and understanding of students; and (4) the subject matter content shall include instruction in safety applicable in the field. (p. 10)

c.
- Each school shall issue a certificate to each student indicating the courses in instruction, including number of hours satisfactorily completed. (p. 11)

d.
- The school's directors, administrators, and instructors shall have adequate educational qualifications and work experience as wage earners in the subject area of their responsibility. (pp. 4-5)
- The instructional staff must be large enough to properly serve the student enrollment. (p. 10)
- The school's chief executive officer, directors, owners, administrators, supervisors, and instructors shall be of good moral character. (p. 11)
- Each school director or administrator shall show evidence of adequate qualifications for competent business and/or school administration.
- Instructors and supervisors shall have a background of education, training, and/or teacher education in the specific area of teaching to show adequate competencies to enable them to successfully fulfill the training objectives of the course. In addition, they shall have had recent experience in the field of work sufficient in nature, quality, and duration to assure successful performance of duties. Requirements are a high school diploma or equivalent and work experience appropriate to the occupational area. (pp. 12-13)

e.
- Schools must have facilities such as equipment, tools, machines, classrooms, laboratories, and work stations adequate in quality and quantity to provide training it intends to offer. (p. 4)

- Schools comply with all municipal, county, state, and federal regulations (e.g., fire, building, sanitation codes). (p. 5)
- The school shall maintain facilities, equipment, tools, machines, classrooms, laboratories, and work stations adequate in quantity, quality, and variety which are consistent with a proper educational environment that will meet the training needs according to the stated vocational objectives.
- Classrooms and laboratory facilities shall be properly heated, lighted, and ventilated with adequate teaching equipment, materials, supplies, and other teaching aids for reasonable instruction and learning.
- The equipment shall be suitable to provide quality instruction.
- The facilities and equipment shall conform to the safety and health requirements of local, county, and state agencies. (p. 10)

f.
- See 3f of AL-02.
- Included among information that must be supplied (see 4c) is a financial statement on forms supplied by the State Department.
- The private school owner(s) shall possess resources sufficient for the proper maintenance of satisfactory instruction and for the discharge of all commitments and obligations to students. (pp. 11-12)

g.

h.
- In addition to the information requirements for catalogs listed in AL-02, catalogs must be printed in sufficient number to supply prospective students and must contain: (1) admission requirements and procedures; (2) grading system; (3) basis of operation; (4) credit procedures; (5) examinations; (6) credits from other schools; (7) diplomas or certificates; (8) tuition policy; (9) cancellation and refund policy; (10) books and supplies policy; (11) withdrawal policy; (12) housing policy; (13) attendance; (14) disciplinary policy; (15) school calendar; and (16) curriculum outline for each major area. (pp. 7-8)
- Copies of course outlines sufficiently detailed to adequately describe the course, tuition schedule, and tuition refund schedule shall be presented to each applicant prior to enrollment. (p. 10)
- The enrollment agreement or contract shall set forth clearly the conditions for enrollment in and completion of courses and such other rules, regulations, and conditions as the school may desire to set forth. (pp. 10-11)
- Any correspondence regarding cancellation and settlement between the student and a correspondence school itself, banks, collection agencies, lawyers, or any other third persons representing the school must clearly acknowledge the existence of a cancellation and settlement policy of the school.
- Each correspondence school must clearly acknowledge the existence of the cancellation and settlement policy of the school in the enrollment agreement. (p. 16)
- The enrollment agreement forms used by an accredited correspondence school must clearly outline the obligations of both school and student and a copy of it must be furnished to the student. (p. 14)

i.
- Schools shall not utilize advertising and sales practices which are erroneous or misleading either by actual statement, omission, or intermission (interruption). (p. 5)

- Schools shall not use advertising of any type which is false, inaccurate, or misleading. All promotional publicity shall conform to these standards: (1) it is based on facts and supporting evidence; (2) a guarantee of placement shall not be promised or implied except under conditions stated in the second item of 3i of AL-02 (the school may state that it will assist in the placement of graduates); (3) a school shall advertise only as a school under its approved name. It shall not advertise in conjunction with any other business. Special phraseology for advertising licensure was given; (4) it shall not advertise that it will train students completely in any given length of time; and (5) it may not advertise that it is endorsed by manufacturers, business establishments, or organizations unless written evidence is submitted. (p. 12)
- See point 9 of item 4 of 4c and item 6 of 4c.
- See first item of 3j.

j.

- Adequate records shall be maintained and made available for inspection. Records shall include: (1) all approved courses; (2) copies of all promotional material, bulletins, and advertising; (3) students' permanent records showing attendance, progress, tuition payments, termination, completion, and/or placement; (4) rules and regulations; (5) student entrance applications showing date enrolled, age, and address; (6) a copy of the certificate of graduation or completion; (7) current tuition schedule, refund schedule, and admissions policy; and (8) a personal data sheet on all administrators, directors, supervisors, and instructors. (p. 11)
- Specific regulations regarding records of flight schools were given. (p. 18)

k.

- Collection procedures of correspondence schools must reflect good taste and sound and ethical business practices. (p. 17)
- A correspondence school must be able to show that the total tuition charge for each of its courses is reasonable in the light of the service to be rendered, the equipment to be furnished, and the operating costs of the school. (p. 14)
- See the fourth item of 3h regarding disclosure policies concerning cancellation and settlement.

l.

- A refund policy will provide for pro rata refunds subject to the following limitations: (1) the registration fee or deposit shall not exceed $100; (2) withdrawing students shall be charged only for the training received on a pro rata basis of the registration fee or deposit (sic). This amount shall not vary more than 10%. Money due shall be refunded within 30 days of the student's dismissal or quitting; (3) if a student fails to enter the school, the school may keep up to $25. All remaining money paid must be refunded; (4) breakage fee retention may be for only the exact amount of breakage; (5) where separate charges for consumable instructional supplies (not laboratory fees) exist, only the exact amount charged for supplies consumed may be retained. The rest must be refunded; and (6) if the student withdraws or is discontinued from a course where books, supplies, and equipment are issued by the school and included as part of tuition charges, refund will be made for the full charges of unissued material. Issued items may be disposed of at the discretion of the student. (pp. 13-14)
- Each correspondence school must have a definite and established policy for the settlement of cases where students request discontinuance of training. The following is a minimum policy: (1) written notice of cancellation is given when a properly addressed, stamped notice is mailed (certified or registered mail may be required by the school in the enrollment agreement); (2) the school must acknowledge receipt of notice;

(3) students who cancel enrollment within 72 hours after midnight of the day on which the enrollment agreement is signed are entitled to a refund of all monies paid, less a registration fee of 10% of the contract price of the course up to $50. If cancellation is not requested within this time the student will be presumed to have started the course; (4) students requesting cancellation within 30 days of enrollment may be charged the larger of either the pro rata cost of lessons completed or 15% of the contract price plus $50; (5) after 30 days but before 60 days the charge shall not exceed the larger of either the pro rata cost or 20% plus $50; (6) after 60 days but before 90 days charges are pro rata on 25% plus $50; (7) after 90 but before 180, the charge is pro rata or 50% plus $50; (8) after 180 days the student is not entitled to any refund as a matter of right and is obligated for the full contract price; (9) in the case of student illness, death in the family, or other circumstances beyond the control of the student, the student shall be entitled to consideration and the school shall make a reasonable and fair settlement; and (10) if notes or contracts are sold or discounted to third parties, the school must still comply with the above policies. (pp. 14-16)

4. Administration (AL-02-1):

a.
- Prior to granting a permit, the Alabama State Approving Agency determines that a school is in compliance with minimum standards and rules and regulations. (p. 4)
- Applications for permits or agent's permits are made to the State Department of Education on forms furnished by the Agency. (pp. 5, 6)
- Bonds are submitted to the Agency which is part of the Department. (p. 9)
- Permits or licenses are issued by the Department. (p. 6)

b.
- Schools receiving permits shall conduct only those courses which have been evaluated and approved in accordance with minimum standards. (p. 9)

c.
- All courses of study must be submitted on forms provided. (p. 5)
- If an agent represents more than one school, a separate permit must be obtained for each. (p. 6)
- Two copies of the current, published catalog must be submitted. (Requirements for contents of catalogs may be found in 3h.) (p. 7)
- The following information must also be supplied: (1) a financial statement on supplied forms; (2) copies of all enrollment contract forms; (3) a detailed list of all equipment and supplies (tools, etc.) and a description of facilities; (4) a list of three references (at least one from a bank); (5) a copy of each course outline; (6) an official copy or photostat of any permit, license, or certificate issued to the school by any governmental agency; (7) a certificate of completion or graduation certificate; (8) a copy of attendance record forms; (9) a copy of any other published materials, including form letters, advertising, and circulars; (10) a completed personnel data form for each director, administrator, supervisor, teacher, and agent; and (11) names of all employees, representatives, owners, and other persons who solicit students. (p. 8)
- Renewal applications shall be accompanied by a financial statement on supplied forms.
- Any significant changes in courses must be reported by letter to the Approving Agency within 10 days. (p. 9)

- Information on school employees (education, training, and experience) should be submitted before or at the time the person is hired, but must be submitted within 30 days. (p. 11)
- In order to advertise that a school is endorsed by manufacturers, it must submit written evidence and have it approved. (p. 12)

d. & e.

- Fees and renewal periods are the same as those listed in AL-02. Fees must be paid by certified check or money order. (p. 5)

5. Enforcement (AL-02-1):

a. • See point 2 of 5c.
b.

c. • The granting, denying, suspending, or renewing of the license shall be handled pursuant to AL-02.
- In addition, the Approving Agency in the Department may refuse to issue, renew, or may revoke any license for any of the following causes: (1) furnishing false, misleading, or incomplete information or failing to furnish pertinent information; (2) violating any commitment made in the application; (3) presenting to prospective students misleading information regarding the school, employment opportunities, or qualifications for entering institutions of higher learning or receiving advanced credit standing in such institutions after completing courses offered by the school; (4) conducting instruction in courses or fields which have not been submitted for approval; (5) conferring a degree upon any person unless such degree is recognized by an accrediting agency approved by the State Department; (6) soliciting or attempting to solicit students without the agent having a permit in his or her possession; and (7) good and just cause. (p. 17)

d. • School surety bonds are to assure protection to all enrolled persons who may be aggrieved by the school's operating in Alabama. (p. 6)
- Agent's bonds shall be conditioned to provide indemnification to any student suffering loss as a result of any fraud or misrepresentation used in procuring his or her enrollment. (p. 7)
- See the last point of the second item of 31.

6. Other (AL-02-1):

No official or employee of the Alabama State Department of Education, any Alabama college or university, or of any state school district shall permit any private school regulated by AL-02 or proprietor or agent thereof to solicit business in any public schools; nor shall any lists of students or prospects be provided unless the school and/or agent has a permit. (p. 5)

AL- 01

2. Application (AL-01):

"Public institutions of higher education" is defined to mean those public institutions in Alabama which have been authorized by the legislature to provide formal education above the secondary school level.

Basic prohibition: "The governing boards of public institutions of higher education...shall not undertake the establishment of any new unit of instruction... with state funds before submitting plans for the new unit to the Commission of Higher Education." (p. 258)

3. Coverage (AL-01):

a. • The Commission shall work with and support the respective boards and act in a fact-finding and advisory capacity to the governing boards of public institutions of higher education; however, those boards shall retain all powers and duties conferred on them by the Constitution or by law to operate the institutions for which they are responsible. The purpose of the Commission is not one of control. (p. 258)

4. Administration (AL-01):

The Commission shall employ such personnel as are necessary to perform the duties assigned by this chapter. Duties and powers include:

a. • Studying, through advisory committees, the needless duplication of education, research, or service programs and making recommendations to the institutions.

b. • Periodic review of existing programs funded by state appropriations.
   • Review of plans for new units of instruction, research, or public service in public institutions for purposes of recommending legislative budget allocations. (p. 258)

c. • Recommending the enactment of legislation, including budget proposals, to the Legislature to insure the orderly development of the state system to meet population trends and changes in the social and technical requirements of the economy.
   • Submitting "...to the governor and the Legislature on or before the first day in May of each odd-numbered year a written report..." including recommendations concerning public higher education in the State. (p. 260)

d. • Establishing definitions and criteria for junior and senior colleges and universities for purposes of advising the Legislature on the need for new public institutions of higher education. (p. 259)

e.

f.

g. • Conduct a program of public information to inform citizens about matters of importance to higher education in Alabama.

AL-03

2. Application (AL-03):

Trade schools and junior colleges

3. Coverage (AL-03):

Trade schools and junior colleges shall operate under the following principles: (pp. 165-166)

a.
b. • An offering of a broad range of educational opportunities including remedial, technical, and professional programs.
c.
d. • A capable and committed staff.
e.
f.
g. • Open-door admission policy which permits the acceptance for enrollment of any high school graduate.
h.
i.
j. • An extensive personnel program to meet needs of individual students.
k. • Low student cost.
l.
m.
n. • Awareness and sensitivity to community needs.

4. Administration (AL-03):

a. • Upon receipt of application for forming a proposed corporation, the Secretary of State shall issue a certificate of incorporation to the Alabama Trade School and Junior College Authority. (p. 166)
b. • The Authority shall have the power to provide for acquiring and improving sites for additional trade schools and junior colleges, after considering needs for particular skills and the labor market in a proposed area.

5. Enforcement (AL-03):

a. • Upon completion of buildings and the installation of equipment for the trade schools and junior colleges authorized by this Act, the State Board of Education shall assume the responsibility for operating and maintaining such educational institutions by: (1) making rules and regulations; (2) prescribing courses of study and conditions for granting certificates or diplomas; (3) appointing presidents and staff and fixing tenure and salary; (4) supervising expenditures; and (5) promoting interest in and disseminating information about additional trade schools and junior colleges. (p. 172)

ALASKA

1. Identification:

AK-01

An act relating to the regulation of postsecondary educational institutions (AS 14.48)

Actual effective date: 26 March 1976

Stated purpose: "...to provide for the protection, education, and welfare of the citizens of the state, its postsecondary educational institutions, and its students...." (p. 1)

Basic effect: Requires all postsecondary institutions to obtain state authorization to operate and all agents to obtain permits. Adds Chapter 48 to AS (Alaska Statute) 14.

Basic coverage: Private non-degree granting

AK-02

An act relating to postsecondary education... SCS CSHB 180 am S

Actual effective date: 1 July 1974

Stated purpose: The Alaska Commission on Postsecondary Education was created to provide coordinated, comprehensive planning for postsecondary education in Alaska including private and proprietary institutions to allow for a more efficient use of financial resources. In addition, scattered elements of public postsecondary education would be more effectively administered by a single agency and more accountable to the Legislature and people. (p. 2)

Basic effect: Creates the Alaska Commission on Postsecondary Education by amending AS 14.40.

Basic coverage: Public degree and non-degree granting

AK-03

Chapter 40: University and Colleges

Enacted: 1971, revised several times since then

Stated purpose:

Basic effect: Establishes the University of Alaska, the Board of Regents, and scholarships, loans, and grants; and provides for the establishment of community colleges, Alaska's participation in the Western Regional Higher Education Compact and the Compact for Education (ECS), and contractual agreements with private institutions of higher education.

Basic coverage: Public degree granting

AK-01

2. Application (AK-01):

No person may operate a postsecondary institution in the state or grant educational credentials (from degrees to grades) without state authorization to operate. All agents including those from out-of-state institutions must obtain permits. (p. 2)

Exemptions, as determined by the Alaska Commission on Postsecondary Education, include:

a. Exclusively pre-school, primary, or secondary schools.
b. Education offered by a group solely for that group's membership or offered at no fee.
c. Avocational or recreational education and institutions offering only this type of instruction.
d. Education offered by charities, so long as it is not said to lead to an educational credential.
e. In-state "residential" (i.e., not correspondence) degree granting institutions.
f. Institutions governed by the U.S., a state, or its political subdivisions (i.e., public institutions?). (pp. 2-3)

NOTE: National or regional accreditation may be accepted as evidence of compliance with minimum standards where appropriate. (p. 5)

NOTE: "This chapter may not be construed to preclude the development of innovative, alternative postsecondary educational delivery systems or programs if their purposes and their administration...are in the public interest and do not conflict with those purposes...of this section." (p. 2)

3. Coverage (AK-01):

The Alaska Commission on Postsecondary Education shall establish minimum criteria including quality of education, ethical and business practices, health and safety, and fiscal responsibility which must be met to obtain authorization to operate or agent's permits. These criteria must meet minimum standards. (p. 3)

a. • A postsecondary educational institution is merely defined as offering educational credentials, or offering instruction or educational services.... (p. 1)
b. • The quality and content of a course or program of instruction are such as may reasonably and adequately achieve stated objectives. (p. 4)
c. • Students are to be given appropriate educational credentials to indicate completion. (p. 4)
   • No person may grant or offer to grant educational credentials without authorization from the Commission. (p. 2)
d. • The institution has access to...adequate personnel to achieve the stated objectives and to provide education of good quality....
   • The education or experience qualifications of directors, administrators, supervisors, and instructors reasonably insure education consistent with objectives. (p. 4)

- The chief executive officer, trustees, directors, owners, administrators, supervisors, and instructors are of good reputation and character and have not been convicted of operating without approval, failure to maintain records, another section of Alaska Statute (45.50.471-45.50.551),* or of comparable law in another state or province. (p. 5)

e.
- The institution has access to adequate space, equipment, instructional materials...to achieve the stated objective and to provide education of good quality. (p. 4)
- The institution complies with pertinent ordinances relating to safety and health.
- Student housing owned, maintained, or approved is appropriate, safe, and adequate. (p. 5)

f.
- The institution is financially sound and capable of fulfilling its commitments to students. (p. 5)
- Applications for authorization to operate and renewal may be required to include surety bonds in amounts determined by the Commission based on the number of students the institution seeks to enroll to ensure adequate protection from loss due to violation of this chapter. (pp. 7-8)

g.

h.
- The institution provides a catalog or brochure containing information describing: (1) programs offered; (2) program objectives; (3) length of program; (4) schedule of tuition, fees, and all other charges necessary for completion; (5) cancellation and refund policies; (6) other material facts which are reasonably likely to affect enrollment decisions; and (7) other disclosures specified by regulation. This information is provided before enrollment. (p. 4)

i.
- Neither the institution nor its agents shall engage in advertising, sales,...or other practices which are false, deceptive, misleading, or unfair. (p. 5)
- An application for an agent's permit shall be accompanied by evidence of good reputation and character.
- Separate permits are required for each institution an agent represents.
- If the institution the applicant agent represents does not have Alaskan authorization to operate, all information required of institutions applying for authorization shall accompany the permit application. (p. 6)
- Applications for agent's permits shall be accompanied by a surety bond of $10,000 or greater to provide indemnification to those who suffer loss as a result of violations of this chapter. (p. 8)
- No person shall use the term "university" or "college" without authorization. (p. 2)

j.
- Adequate records are maintained to show attendance, progress, or grades.... (p. 4)
- If an institution proposes to discontinue operation, its chief administrative officer shall file copies of academic records with the Commission. These records shall include information customarily required by colleges of transfer or advanced study candidates and the academic record of each student. (p. 9)

k.
- Neither the institution or its agents shall engage in false, deceptive, misleading, or unfair collection or credit practices. (p. 5)
- Lending agencies extending credit or loaning money for postsecondary educational expenses shall conspicuously mark "Student loan" on the face of a note or other evidence of indebtedness. (p. 10)

l.
- The institution has a fair and equitable cancellation and refund policy. (p. 5,

m.

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*Alaska Statute 45.50.571-45.50.551 is concerned with unfair trade practices and consumer protection. False or misleading advertising is prohibited.

4. Administration (AK-01):

a.
- The Alaska Commission on Postsecondary Education shall administer this chapter and may hire necessary personnel. It may obtain information and assistance from departments, commissions, and other state agencies.
- The Commission's duties include: establishing minimum criteria for authorization to operate and the agent's permit; receiving, investigating, and acting on applications; maintaining and making available lists of institutions and agents; entering into agreements with other states; maintaining copies of academic records when necessary; and investigating institutions or agents. (p. 3)

b.
- Authorizations to operate and agent's permits shall be granted "...after necessary review of the applicant." (p. 5)

c.
- Applications are to be made on forms provided by the Commission. They shall be accompanied by a catalog or brochure containing the information listed previously and by evidence of a surety bond. (p. 5)
- See 3i.

d.
- Initial authorization is for 2 years or less. Subsequent authorizations may be issued for up to 5 years. (p. 6) Agent's permits may not be issued for more than 2 years. (p. 7)

e.
- The fee for an institution's authorization to operate or renewal of authorization is $100. The fee for an agent's permit or its renewal is $50. Fees are deposited in the general fund. (p. 7)

f.
- Provisional authorization to operate containing limitations as to time, procedures, functions, or other conditions may be issued. (p. 6)

g.
- An institution not yet in operation when its application for authorization to operate is filed may not begin operation until receipt of authorization. (p. 6)

5. Enforcement (AK-01):

a.
- The Attorney General, at the request of the Commission or on his own motion, may bring action in a court to enforce this chapter. (p. 11)
- The Attorney General is legal counsel for the Commission. The Commission may employ temporary legal counsel. (p. 13)
- Any institution (in-state or out-of-state) or its agents which instructs or awards educational credentials (in person or by correspondence) to a resident of Alaska is under the jurisdiction of Alaskan law and courts. Provisions of contracts to the contrary are invalid. (pp. 10-11)

b.
- A person claiming loss which results from a violation of this chapter or its regulations may file a complaint with the Commission.
- Complaints may be filed by the Commission itself or the Attorney General.
- The Commission shall investigate the complaint and may attempt to settle it by persuasion and conciliation.
- The Commission may hold a hearing after 30 days written notice to the institution or agent. (p. 9)

c.
- Authorization to operate or agent's permit may be revoked or conditioned if the Commission has reasonable cause to believe that the holder violated this chapter or AS 45.50.471, or regulations promulgated under this chapter or AS 45.50.491.* (pp. 8-9)
- Authorization terminates 30 days after a change of ownership is effective. (p. 6)

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*See footnote on AS 45.50 series in the footnote to the third item of 3d.

- Authorization and permits are suspended when the institution or agent is no longer covered by a surety bond. (p. 8)
- If applications for authorization or permits are denied, written reasons shall be given.
- The Administrative Procedure Act (AS 44.62) governs the review of a denial and the procedure for a revocation or review of a revocation. (pp. 8-9)

d.
- If the Commission finds a violation during the hearing, it may issue a cease and desist order to the institution or agent. (p. 9)
- If it appears to the Commission that records of an institution discontinuing operation are in danger of being destroyed, the Commission may seize the records under court order. (pp. 9-10)
- No note, evidence of indebtedness, or contract is enforceable in Alaskan courts by institutions or agents which do not have authorization to operate or permits.
- Lending agencies (institutions or persons regularly lending money to them or their students) extending credit for fees or charges of an institution must place "Student loan" on the face of the note.
- If this is not done, the lending agency is liable for loss suffered by a subsequent assignee because of absence of the notation.
- Lending agencies and assignees are subject to all defenses and claims which could be asserted against postsecondary educational institutions. (p. 10)
- When it appears to the Commission that a violation of this chapter has occurred, the Commission may, on its own motion or on the written complaint of any person, file in court a petition for injunction to enjoin the violation or order compliance with provisions of this chapter. (p. 11)
- The Commission may award the complainant full or partial restitution for damage and may impose penalties.
- It may also begin an action to revoke an institution's authorization to operate or an agent's permit. (p. 9)
- A person who violates this chapter is subject to a civil penalty of not more than $1,000 for each violation. Each day's failure to comply constitutes a separate violation. The fine may be imposed by the Commission or a court.
- A willful violation is a misdemeanor and punishable by a fine of not more than $1,000 per day and imprisonment for not more than 6 months. (p. 11)
- A final administrative order issued by the Commission is subject to judicial review under the Administrative Procedures Act (AS 44.62.560 - 44.62.570). (p. 9)
- See the third item of 5a.

e.
- The right of injunction is, in addition to other legal remedies, available to the Commission and is in addition to the right of criminal prosecution. (p. 11)

6. Other (AK-01):

A section of the minimum standards that criteria for authorization to operate must meet requires institutions to enforce satisfactory standards relating to attendance, progress, and performance. (pp. 4-5)

AK-02

2. Application (AK-02):

Affirms that legal authority for operation and management of statewide university system remains with the Board of Regents of the University of Alaska. (p. 2)

3. Coverage (AK-02):

a. • The Alaska Commission on Postsecondary Education shall coordinate, advise, review, and recommend on programs, budgets, policy pertaining to public higher education; establish a state advisory council and develop a comprehensive statewide plan for expansion of community colleges; and administer the State's participation in the Western Regional Higher Education Compact, as it relates to providing adequate services and facilities in law, medicine, forestry, and graduate library studies.

k. • The Commission shall administer student loan and tuition grant programs and serve as the student financial aid committee. (p. 4)

4. Administration (AK-02):

a. • The functions of the Commission are advisory to the governing boards of public and private institutions of higher education, the Governor, the Legislature, and other state and federal officials. They include: planning for the development of postsecondary education; advising as to the functions and appropriate programs of various segments of postsecondary education; reviewing budgets; reviewing the workings of consortia; and reporting on necessary or desirable changes in the postsecondary educational system. The Commission's duties also include administering various laws relating to postsecondary education and may include collecting data from both public and private institutions for effective planning and coordination. (p. 4)

AK-03

2. Application (AK-03):

The Board of Regents is not responsible for instructional and administrative costs for non-degree programs offered by community colleges (Article 6. Community College Act). (p. 100)

3. Coverage (AK-03):

a. • Duties of the Board of Regents are to fix salaries for faculty and administrators of the University system and to control the property and money of the University. The Board may adopt rules with reasonable penalties for the good government of the University. (p. 91)

b. • The Board may determine and regulate the course of instruction in the University.

• To expand educational and cultural opportunities and provide educational facilities of particular interest to residents, the Board shall establish additional extension courses and such other expansion of accredited courses. (p. 92)

c. • The Board shall confer such appropriate degrees as it may determine and prescribe.

d.

e.

f. • Alaska students are eligible for state scholarships, loans, and grants. Loans may be used to attend a career education program approved by the Department of Education (the Alaska Commission on Postsecondary Education may have taken over the approval function of an accredited university or college). Partial tuition grants may be used only at colleges or universities accredited by the Northwest Association of Secondary and Higher Schools. (p. 98)

At least 22.5% [15% for very small (less than 300 students) schools] of the annual operating budget of a private university or college which enrolls students receiving grants must be funded from non-public sources. The same requirement applies to granting remission of tuition to any student. No private university or college enrolling students receiving grants may enter into contracts that allow students to pay less than the published tuition.

If the fiscal and business management practices of an institution are inadequate in comparison with the practices of a similar institution, the secretary of the selection committee (who is also the executive officer of the Alaska Postsecondary Education Commission) may decline to award tuition grants. Private universities and colleges enrolling tuition grant students are subject to both pre- and post-expenditure audit by the Legislative Budget and Audit Committee or by the Department of Administration. (pp. 114-117)

g. • No religious or partisan instruction shall be permitted in the University and no sectarian or partisan test shall be allowed in the admission of students.

h.

i.

j.

k.
- The Board can grant scholarships to highest ranked high school graduates of the State and to Alaska natives for attending the University. (Article 9 - Section 751-806) (See also 3f.)
- Applications for scholarship loans or tuition grants shall be submitted to the executive secretary of the selection committee. (Section 755 provides appeal process for persons whose applications are not recommended.)
- Loans may be used for books, tuition fees, room and board only, and for full-time attendance in good standing in career education programs approved by the regional accreditation association for that institution.
- Students are eligible to apply if they are Alaska residents and are either enrolled full-time in a career education, associate, baccalaureate or graduate degree program, or are scheduled within 6 months for high school graduation with sufficient credits for admittance. Discrimination is prohibited.

4. Administration (AK-03):

a.

b.
- Article 6, Community College Act, authorizes the Board to establish appropriate higher education programs statewide, in cooperation with qualified school districts or political subdivisions that meet the following minimum requirements for establishing a community college: (1) applies to the Board, and satisfies educational standards of the University according to the Board's criteria; (2) has established the practical need for a community college; and (3) gives the Board of Regents of the University of Alaska responsibility to select full- and part-time community college instructors for academic degree programs, pays all instructional and administrative costs for degree programs and activities, and selects the curriculum of academic degree programs and activities. (p. 7)

c.
- The Board shall make a written report at each legislative session concerning the University property, receipts and expenditures, and the educational work performed. (p. 92)

ARIZONA

1. Identification:

AZ-01

House Bill 118, House Bill 2133, House Bill 2051. An act relating to education: creating a state board of private technical and business schools; prescribing the powers and duties of the board; providing for registration and regulation of technical and business schools; providing for licensing and regulation of agents or solicitors for such schools; and amending Title 15, Chapter 9, Arizona Revised Statutes, by adding Article 4

Enacted: 1969, revised three times since then

Stated purpose:

Basic effect: Establishes State Board of Private Technical and Business Schools with power to license schools and their agents.

Basic coverage: Private, non-degree granting

AZ-01-1

State Board of Private Technical and Business Schools, Rules and Regulations Articles 2-7 (R7-3-12 to R7-3-77)

Actual effective date: January 1976. Rules and regulations are reviewed annually and usually revised every 2 years.

Basic effect: Sets out criteria and procedures for licensure under AZ-01.

AZ-02

Chapter 6.1, Articles 1-5, Section 15-651-15-593; Junior College Districts

Effective date: 1963, revised and amended up to 1975

Stated purpose: Creates the State Board of Directors for Community Colleges and enumerates the duties and powers of that Board pertaining to the establishment and administration of community college districts, and the disbursement of state aid appropriations. (p. 3)

Basic effect: Gives the Board authority to set standards for community colleges, establish qualifications for certification of staff, fix tuition and fees, and establish curriculum. (p. 5)

Basic coverage: Public degree (2-year) and non-degree granting

AZ-02-1

Official Compilation of Administrative Rules and Regulations: State Board of Directors for Community Colleges of Arizona - Section R7-1-01 to R7-1-78

Effective date: 1975, amended 1976

Stated purpose: Designates and defines the powers of the State Board for Community Colleges as they relate to general administrative duties, admissions and fees, instruction and faculty, and budget approval.

Basic effect: Delegates responsibilities of college governance to district boards who administer the community colleges and insure the provision of academic, vocational, and continuing education programs for the benefit of the population served; and in accordance with the standards established by the State Board.

AZ-01

2. Application (AZ-01):

No person, partnership, association, or corporation shall conduct a private, technical, or business school in this state without a license issued by the Board. (p. 5)

"Technical school" or "business school" or "school" means any person, firm, corporation, association, or other organization which purports to instruct in any field, offers any courses, or charges any fees for training or instruction whether provided in or out of the state, personally, by correspondence, or any other method....

Except:

a. Non-profit schools operated by religious or charitable institutions or public institutions exempt from property taxation. (Such schools may apply for a license and, if approved, they become subject to the provisions of this article.)
b. Schools are otherwise regulated and licensed by the state.
c. Schools conducted by a person or group solely for training of its employees, provided no fee or tuition is charged.
d. Job training or rehabilitation programs operated for local, state, or federal governmental agencies.
e. Privately owned academic schools engaged in general education for entry into public colleges and universities in Arizona that may incidentally offer technical and vocational courses.
f. Schools conducted by any person or group solely for employees, members, or customers, provided the instruction is related to sales marketing, operations, development of personnel, systems and subject matter related to that industry or profession, or other techniques.
g. Schools providing instruction in hobbies, avocations, academic improvement, or recreation that may only incidentally lead to gainful employment. (pp. 1-3)

NOTE: Agents of out-of-state schools pay a licensing fee of $75 (vs. $10 for agents of in-state schools) in addition to the Board's travel expenses for on-site inspection. Agents for out-of-state schools must be bonded for $5,000. Bonds are not required for agents of in-state schools.

3. Coverage (AZ-01):

The Board shall promulgate reasonable standards of instruction consistent with this article and shall determine whether a license for a school shall be issued.... (pp. 3-4)

a.

b.

c.

d. • No license shall be granted to a person unless he is of good moral character.

e.

f. • School license applications shall include surety bonds of $10,000 with the state. (p. 6) (See the fourth item in 5d for use of bonds in consumer protection. Also see 3h below.)

g.

h. • Included in the definition of "unlawful act" is any act which misleads or deceives students in any contract, representation, or advertising and shall include any breach of contract...which results in the student not receiving the contracted services. (p. 3)

i. • See 3h above.
- Agents who sell courses outside the legal premises of schools must be licensed. Agent's licenses will not be granted unless the applicant is of good moral character.

j.

k.

l.

m.

4. Administration (AZ-01):

a. • The State Board of Private Technical and Business Schools shall consist of three institutional representatives and four representatives of commerce or industry.... Its duties include: (1) adopting standards, rules, and regulations; (2) considering and passing upon applications for license of schools and agents; (3) hearing and passing on complaints or charges (including compelling attendance of witnesses, administering oaths, and taking testimony); and (4) keeping a record of its proceedings. (p. 4)

b. • Application filing fees shall be set to include the cost of investigations. (p. 6)

c. • Verified applications shall be made on forms prepared and furnished by the Board. (p. 5)

d. • Apparently, school licenses must be renewed annually since the Board is empowered to set annual renewal fees. Agent's licenses are valid for the calendar year for which they are issued. (pp. 6-7)

e. • Fees for original school licenses and their renewal will be set by the Board. (See 4b and 4d above.)
- No fees will be charged for supplemental applications for approval of additional fields or courses of instruction. (p. 6)
- Original and renewal fee for agent's licenses for agents of in-state schools is $10. Agents of out-of-state institutions pay $75. (p. 7)
- Fees paid for school or agent's licenses are non-refundable. (pp. 6-7)
- Ten percent of fees go to the general fund. The rest goes to a separate fund to be used only in defraying the expenses of the Board and in prosecuting violations of this chapter.
- The Board shall not incur any expense or approve any claim against the fund in excess of its balance. (p. 8)

f. • Before a school is established, it may not advertise or solicit students without temporary authorization of the Board to do so. (p. 5)

- Licenses are restricted to the fields or courses specifically indicated on the application; supplemental applications are required for other areas. (pp. 5-6)
- The Board shall make available a list of approved schools. (p. 5)

5. Enforcement (AZ-01):

   a. • Apparently the Board and the courts are the sole enforcement agencies. The Board may bring action in court, subpoena witnesses, and administer oaths for hearings. (p. 11)

   b. • The Board may, upon its own motion, investigate the actions of license holders. Upon a verified written complaint including facts which, if proved, would constitute grounds for refusal, suspension, or revocation, it shall investigate the actions of license holders.

   c. • Licenses shall be suspended or revoked if the Board has reasonable cause to believe that a license holder has violated a provision of this article or the rules or regulations of the Board. (p. 8)
   • In cases of refusal to issue or renew or revocation or suspension of a school's or agent's license, the respondent may present a motion for rehearing. The Board may act on the motion without further hearings; if it is granted, a further hearing will be held. (p. 10)
   • Persons affected by the final administrative decisions of the Board may have such decisions reviewed judicially pursuant to provisions of Title 12, chapter 7, article 6. (p. 11)

   d. • Before proceeding to a hearing, the Board may grant a reasonable time to the license holder to correct the situation. If it is corrected, no further action shall be taken.
   • Any superior court judge may require the attendance of witnesses and the production of books and papers at Board hearings. (p. 9)
   • The Board may bring an action for injunction or any other civil action against a school or agent. (p. 11)
   • Bonds shall inure to the benefit of any person who suffers loss by reason of any unlawful act of the licensee. Tuition shall be recovered where contracts have been breached. (p. 6)
   • The Board has the power to seize a license if it is not surrendered upon revocation.
   • Upon a Board's action for injunction, the court may close a school, enjoin an agent, and make any other orders necessary to enforce this article.
   • A person who violates this article is guilty of a misdemeanor, punishable by a fine of not more than $500 or imprisonment in the county jail for not more than 90 days, or both. (p. 11)

6. Other (AZ-01):

- Licenses are not transferable to another location in the state. (p. 5)
- The Board must keep registers of all license applications. (p. 4)

AZ-01-1

2. Application (AZ-01-1):

No information is provided. It may be in article 1 - General Provisions - which is not repeated in the document in hand. It is most likely that AZ-01-1 is applied the same as AZ-01.

3. Coverage (AZ-01-1):

"No license shall be issued unless the Board finds, upon investigation, that the school has met the standards set forth. Such standards shall include, but need not be restricted to: 1. Course offerings. 2. Adequate facilities. 3. Financial stability. 4. Competent personnel. 5. Legitimate operating practices. 6. Factual advertising. 7. Complete student records, including tuition payments and placement records. 8. Career education commensurate with the objective stated in the school catalog." (pp. 10-11)

a.

b.
- The course must be comprehensive enough and of sufficient length to enable a graduate to demonstrate a level of knowledge and skill to be employable.

c.
- Student proficiency must be established and documented prior to graduation. (p. 7)

d.
- Administrators, directors, owners, and instructors shall be qualified by reason of preparation and experience.
- The above, plus agents, shall be of good reputation and moral character.
- The director or manager must be familiar with educational administration and methods, as well as sound business practices, including: (1) curriculum development for specific job entry levels; (2) selection of competent instructors; and (3) the development of plant and physical facilities conducive to learning, and that conform with local, legal, and safety requirements. (p. 4)
- Also see AZ-01-1, 4c, items 2 and 4.

e.
- Adequate insurance shall be maintained covering buildings and equipment. (p. 3)
- Adequate equipment, training aids, and materials needed to implement and maintain a training course must be on the premises. (p. 7)
- Also see AZ-01-1, 4c, item 3.

f.
- See AZ-01. Also see AZ-01-1, 4c, item 2.

g.
- It is recommended but not required that students entering private, technical, business, trade, or correspondence schools have a high school diploma. (pp. 6-7)

h.
- The contract or application signed by the prospective student must include the following information in bold type: (1) title of course(s); (2) total classroom and shop hours; (3) payment schedule and total cost; (4) refund policy; (5) the school's disclaimer that "job placement" is not guaranteed upon completion; (6) a statement that the individual signing the contract or application has read and understands all aspects of the agreement. (p. 5)
- Prices on specific courses and subject of study must be on the face of any contract to be signed by the prospective student.
- The refund policy shall be clearly explained to the prospective student prior to signing any contractual agreement. (p. 6)

i.
- The recruiting program must be conducted on a professional basis with equitable consideration for the objectives and position of the student as well as the objectives of the school.
- Schools must exercise considerable care in selection and training of sales representatives.
- Schools must have their sales representatives under contract.
- Schools must prohibit sales representatives from portraying themselves as guidance counselors or any other title used to disguise the sales function.
- Advertising must be factual. It must not mislead by direct statement or implication. Examples of misleading statements are given (e.g., Anyone can succeed in the field, Higher than average starting salaries, School's primary function is to find jobs).
- Advertisements soliciting students may not be placed in "help wanted" columns.
- Job availability "needed now," or the length of time required to obtain a skill, cannot be advertised unless accurate and/or factual.
- The words "guarantee" or "free" shall not be used at all.
- All advertisements must include school name, phone number, and address.
- The Board can require a school to submit all advertising for approval prior to use.
- Inducements called "scholarships" should in no way be used as a means of recruitment. "Scholarship" is defined as any form of assistance which in effect amounts to a reduction in tuition. (pp. 5-6)

j.
- Permanent student records showing, where applicable: (1) aptitude or entrance scores; (2) achievement test scores; (3) final course grades; and (4) student guidance notes, must be maintained by the school for at least 5 years. (p. 4) See AZ-01-1, 3c.

k.
- Prices for the same course or subject matter shall not vary between students except for group arrangements or in the event of a published price change.
- Prices may not be changed before a 30-day advance warning to prospective students.
- The prospective student must not be required to make a non-refundable payment before s/he is accepted for enrollment. (p. 6)

l.
- See AZ-01-1, 3h, items 1 and 3.

m.
- Placement services are optional but, if offered, the following regulations apply: (1) student referrals must result from direct contact between the school placement service and prospective employers; (2) documented evidence of referrals must be maintained and should include: a) referrals per individual student, b) results of referrals, and c) final placement or other disposition; (3) students will be prepared for placement by offering instructions on preparations of résumés, interview procedure, appropriate dress, personal grooming, and conduct on the job; and (4) lists of employers given graduates will not be considered a placement service, and will violate the intent of these regulations. (p. 7)

4. Administration (AZ-01-1):

a.
- See list of duties of Arizona Board of Private Technical and Business Schools in AZ-01, 4a.

b.
- School course offerings shall be reviewed/evaluated by the Board, staff members, or recognized specialists prior to licensure. (p. 3)

c.
- See AZ-01, 4c. Applications, fees, and other required documents shall be submitted at least 10 days prior to Board meetings.
- The application shall include: (1) a copy of the institution's catalog, bulletins, or other descriptive material which clearly provides information on the school's purpose, objective, type and other pertinent data; (2) the names of the owner(s), officials, and faculty, (if the school is operated as a corporation, a certified copy of the charter or articles of incorporation and its by-laws shall be included); (3) true evidence of financial stability, a) a current certified financial statement prepared and signed by a licensed CPA, and b) a $10,000 surety bond; (4) résumés in duplicate for each instructor; and (5) off-campus agent's license applications. (pp. 2-3)
- Plans, blueprints, or line drawings describing in detail the school's facilities shall be submitted. Extensive remodeling, repairs, or additions shall be delineated by plans prepared by architects or engineers licensed by Arizona. (p. 3)
- Evidence of training and experience of the school's administrators, directors, owners, and instructors shall be submitted on forms provided by the Board. The accuracy of the information shall be attested to by the person responsible for the operation of the school. (p. 4)
- A report containing the following information shall be submitted to the Board each year as part of the renewal application: (1) total enrollment during the calendar year; (2) the number of students graduated; (3) the number withdrawing; (4) the number of students placed on jobs if job placement is offered; (5) total school investment including real estate, equipment, and inventory; (6) total annual wages, salaries, and commissions. (pp. 7-8)

d.
- Licenses are valid for the calendar year issued. (pp. 3, 9)

e.
- A fee of $350 shall accompany new school applications, $300 for renewals. (p. 9) See AZ-01 for agent's license fees.

f.

5. Enforcement (AZ-01-1):

a.

b.
- If a student has to quit school for reasons beyond his or her control, be dismissed, or drop out because of improper treatment or extreme dissatisfaction with the school and its offerings, and if the student feels that he or she did not receive proper refund or treatment, according to contract or agreement, the student may file a written complaint with the Board.
- The complaint shall state grievance, name of school representative, and statements made. Copies of all contracts, receipts, cancelled checks, reports, or other documents shall be presented.
- The complaint will be placed on the agenda of the next Board meeting and the student notified of the Board's decision within 5 days of the meeting.
- The Board may elect to hold a hearing if it has reasonable cause to believe a licensee has violated a provision of AZ-01 or of the rules and regulations of the Board. (pp. 8-9, 11-12)

- The hearing shall be held no sooner than 10 days after notification of licensee by registered mail.
- Unless otherwise provided in the law, the procedures outlined in A.R.S. 41-1009 through 41-1013 will be adhered to by all Board hearings. (p. 12)

c. • The Board has the power to revoke a school's or agent's license if it finds that: (1) the provisions of AZ-01 or rules promulgated thereunder have been violated; (2) the licensee has knowingly presented false or misleading information relating to licensure; (3) the licensee has failed to permit inspection, or has refused to make information available at any time; (4) the licensee has perpetrated fraud or deceit in advertising or recruiting; or (5) the licensee has been convicted of a felony. (p. 11)

d. • After the hearing, the Board shall determine whether or not the license shall be suspended, revoked, or continued inforce. (p. 12)
- See AZ-01, 5d, item 3.

6. Other (AZ-01-1):

- Licenses are not transferable to another owner or location.
- The Board will be notified of terminations or transfers of instructors within 5 working days. (p. 3)

AZ-02

3. Coverage (AZ-02):

The State Board of Directors for Community Colleges shall:

a. ● Set standards for establishment, administration, operations, and accreditation.

b. ● Establish curriculums and designate courses at institutions to best serve the interests of the state.

c.

d. ● Establish qualifications of instructional staff for both occupational and academic subjects. Certify qualified instructors and collect fees for certification.

e.

f. ● Appropriate funds for capital outlay and for state contributions to institutions on basis of FTE students. (p. 5)

g. ● Students who are state residents but are not residents of an established community college district may be admitted by districts on the same conditions as residents. Reimbursement will come from the county of the student's residence. (p. 14)

h.

i.

j.

k. ● Fix tuitions and fees, graduating them between schools, residents, nonresidents, and foreign students. (p. 5)

4. Administration (AZ-02):

a. ● The Board shall allow for election of district governing boards who will be responsible for the management of the community college according to standards prescribed by the Board.

b. ● To be eligible for state aid, a district shall have facilities and equipment approved by the Board and have complied with State Board requirements pertaining to enrollment, budgets, and curriculum. (p. 12)

● The Board shall approve plans for proposed districts and present approved plans to the State Legislature. (p. 7)

c. ● The Board shall report to the Governor each fiscal year stating the progress of the junior colleges operated under the provisions of this chapter, the courses of study included in the curricula, the number of professional staff employed, the number of students attending, the amount of receipts and expenditures, and such other information as the Board deems necessary. (p. 6)

2. Application (AZ-02-1):

   Includes satellite and branch campuses of community college districts.

3. Coverage (AZ-02-1):

   a. ● "Community college" or "college" means an educational institution which provides a definitive complex of academic, vocational, and continuing education programs, generally comprising up to 2 years of curricular instruction distinct from twelfth grade level and leading to 2-year certificates of proficiency, or terminal or university-parallel associate degrees. (p. 3)
   b. ● Requires each community college to implement the following curricular standards: (1) offering of occupationally-oriented programs leading to a certificate of completion or an associate degree; (2) offering baccalaureate-parallel curricula permitting transfer to 4-year colleges or universities; (3) offering special programs to meet educational and economic needs of the community; and (4) offering services for testing, guidance, and individual development. Requires that libraries should follow standards of American Library Association. (pp. 33-34)
   c.
   d. ● Professional standards for faculty require that instructors be properly certificated in their major areas (stipulates regular, provisional, special certification with requirements for renewal). Libraries shall be staffed by at least one professional librarian. (p. 36)
   e.
   f.
   g. ● Sets up admission criteria to include: graduates of accredited high schools or GED certificated; 18 years or older; transfer students in good standing; or high school students recommended by principal. (p. 9)
   h. ● Stipulates that each college district should supply current copies of the college catalog to the State Board, and file changes affecting curricula or college calendars with the Board. (p. 6) Admission and fee policies as printed in the catalog shall be the rule; catalogs shall include the school calendar. (p. 9)
   i.
   j.
   k. ● Classifies out-of-county, out-of-state, and residency requirements; stipulates that they be stated in the catalog for each school and be uniform system-wide. (p. 10) All tuition and fees shall be established by the State Board; tuition shall be charged to non-residents (out-of-county, out-of-state, and foreign students); fees may be charged to both resident and non-resident students. (p. 13)

4. Administration (AZ-02-1):

a.

b. • College presidents are responsible for apprising the Executive Director of the Board of changes in college accreditation status, including furnishing studies and reports pertaining to the accreditation process. (p. 6)

c. • The State Board has the authority to approve budgets, which shall be submitted by each district annually for Board review.

d.

e.

f.

g. • Interstate attendance agreements may be made with public agencies with the approval of the State Board.

ARKANSAS

1. Identification:

AR-01

An Act to Provide Minimum Standards for Operation of All Resident and Correspondence Schools... (Act 416 of 1965, Arkansas Statutes 80-4301 through 30-4311)

Effective date: 1 July 1965

Stated purpose: "...to provide adequate protection...for reputable school operators and the public...and...the establishment of reasonable standards and licensing requirements for resident and/or correspondence schools...." (p. 1)

Basic effect: Requires all non-exempted schools offering training toward vocational objectives to meet minimum standards for licensing and operation; requires out-of-state correspondence schools to meet minimum standards for content; requires agents to be licensed. (p. 1)

Basic coverage: Private non-degree granting

AR-02

An Act to amend Various Provisions of Act 416 of 1965... (Act 739 of 1975, Arkansas Statutes 80-4301 through 80-4310)

Effective date: 1975

Stated purpose: "...to amend various provisions of Act 416 of 1965...." (p. 1)

Basic effect: Updates and clarifies language of Act 416 relating to schools covered by the Act and agency administering the Act.

Basic coverage: Private non-degree granting

AR-02-5

Regulations III - Resident Schools (Rules and Regulations of Act 416 of 1965, as amended by Act 739 of 1975, State of Arkansas)

Revised: August 1975

Basic effect: Requires private non-degree granting schools to obtain licenses; sets detailed criteria schools must meet to obtain licenses, reasons and procedures for disapproval or revocation of applications, and appeal procedures.

AR-02-4

Regulations IV - Correspondence Schools (Rules and Regulations of Act 416 of 1965, as amended by Act 739 of 1975, State of Arkansas)

Revised:

Basic effect: Generally the same as AR-02-5, but applies to correspondence schools.

AR-02-3

Regulations V - Solicitors (Rules and Regulations of Act 416 of 1965, as amended by Act 739 of 1975, State of Arkansas)

Revised: August 1975

Basic effect: Requires agents to be licensed; sets procedures for applications for agents' permits, qualifications for applicants, reasons and procedures for disapproval and revocation of applications, and appeal procedures.

AR-02-1

Operations Bulletin - 2: Minimum Cancellation and Refund Policy Applicable to Licensed Schools

Revised: August 1975

Basic effect: Requires schools to have and to clearly state refund policy in accordance with standards in this regulation.

AR-02-6

Minimum Cancellation and Refund Policy for Courses Under Four Months

Effective date: 13 August 1975

Basic effect: Same as AR-02-1.

AR-02-2

Operations Bulletin - 1: Surety Bond Requirements (Regulations III and IV-A-2-b)

Revised: August 1975 (second revision)

Basic effect: Requires schools and agents to execute bonds in required amounts, in prescribed format, and by prescribed procedures.

AR-01-1

Operations Bulletin - 3: State Advisory Committee Functions

Revised: July 1976

Basic effect: Defines Advisory Committee functions and procedures, procedures for disapproval of applications, revoking of licenses, and school appeal in regard to residence schools, correspondence schools, and agents (solicitors).

AR-03

An Act to Require [Private Degree Granting] Post-Secondary Education Institutions... to be certified by the State Board of Higher Education... (Act 903 of 1975)

Effective date: 7 April 1975

Stated purpose: "...to [protect] the public will [and] peace, health and safety...[by granting] the State Board of Higher Education...statutory authority to regulate the establishment of non-public post-secondary education institutions...." (p. 4)

Basic effect: Requires private degree granting schools established after 7 April 1975, to obtain certification by the State Board of Higher Education; regulates granting of degrees from all vocational-technical schools, regardless of date of establishment.

Basic coverage: Private degree granting (Also covered are degree programs in public vocational-technical schools and in schools covered by AR-01 and AR-02.)

AR-03-1

Rule 1 - Rules on Organization and Structure

(No date)

Basic effect: Defines general duties and procedures of the State Board of Higher Education and Institutional Certification Advisory Committee.

AR-03-6

Rule 2 - Certification Process

(No date)

Basic effect: Sets out procedures and responsible groups in certification process.

AR-03-2

Rule 3 - Criteria for Institutional Certification

(No date)

Basic effect: Sets criteria schools must meet for certification.

AR-03-4

Rule 5 - Certification and Separation of Church and State

(No date)

Basic effect: Exempts religious training programs aimed only at members of the religious group from certification requirements.

AR-03-3

Rule 6 - Exemption of Military Programs from Certification Requirements

(No date)

Basic effect: Exempts military programs from certification requirements.

AR-03-7

Rule 7 - Chartering a New Institution

(No date)

Basic effect: Sets criteria new schools must meet for certification; duplicates AR-03-2 in most cases, except in describing certification stages and allowing "plans which meet criteria" to suffice for "meeting criteria" in some cases.

AR-03-5

Rule 8 - Review of Certification

(No date)

Basic effect: Defines review periods and procedures and procedures for special reviews for cause.

AR-04

An act to promote coordination in the development and operation of the higher educational program (Act 287)

Effective date: 1971

Stated purpose: Establishes the Department of Higher Education "...to provide for the orderly development, coordination, financing, and expansion of the higher education program" of Arkansas. (p. 1)

Basic effect: Authorizes the State Board of Higher Education to coordinate the expansion or addition of new programs at state-supported institutions and provides that existing Boards of Trustees of state-supported institutions shall continue to manage and operate those institutions of higher learning. Acts as a planning and coordinating agency with authority to review and recommend policy.

Basic coverage: Public degree and non-degree granting

AR-01 and AR-02

2. Application (AR-01/AR-02):

No person shall operate a private non-degree granting school in the state or solicit the enrollment of students residing in the state without a license from the Arkansas Board of Education. (AR-01, p. 4)

Exemptions include:

a. State-supported community colleges, colleges, or universities.
b. Community colleges, colleges, or universities coordinated by the State Board of Higher Education.
c. Occupational schools governed by state boards or commissions specifically empowered to license that kind of occupational school and to license persons for that occupation may be exempted. (AR-02, p. 2)

Inclusions:

a. Public schools which offer training applicable primarily to vocational objectives, if such training is not directly applicable toward a baccalaureate degree. (But see Exemption b, which holds precedence.) (AR-02, p. 2) Such schools shall comply with standards and regulations established under this Act, but shall not be required to obtain a license or pay fees.

NOTE: "Correspondence school" includes a school offering instruction by both correspondence and residence instruction if the latter is less than 20 hours per week. (AR-02, pp. 2-3)

3. Coverage (AR-01/AR-02):

The Board, acting through the Commissioner, Director, and Supervisor, and upon the recommendations of the Advisory Committee, shall formulate the criteria and standards for school approval and for approval of agents.

a. • Schools must meet standards set forth for ethical operating practices. (AR-02, p. 3)
b. • Schools must meet standards set forth related to course offerings. (AR-02, p. 3)
   • The school may not offer courses for which it has not received specific approval. Approval of additional courses requires a supplementary application. (AR-01, p. 3)
c. • Upon approval by the Arkansas Board of Education, an approved school may issue certificates and/or diplomas. (AR-01, p. 2)
d. • Schools must meet standards set forth related to competent personnel.
e. • Schools must meet standards set forth related to adequacy of facilities. (AR-02, p. 3)
f. • Person(s) applying for a license to operate a school must execute a surety bond in an amount based on actual or projected number of Arkansas residents enrolled or enrolling, not to exceed $50,000 for resident schools nor $60,000 for correspondence schools, payable to the State of Arkansas. (AR-02, pp. 5-6) This bond also covers agents.

- Schools must meet standards set forth related to financial stability. (AR-02, p. 3)

g.

h.

i.
- No person representing a privately owned residence or correspondence school shall solicit or sell in Arkansas any course for remuneration unless he first secures a license from the Arkansas Board of Education. (AR-02, p. 8)
- No person shall be granted a solicitor's (agent's) license unless he is an individual of good moral character. (AR-02, p. 9)

4. Administration (AR-01/AR-02):

a.
- The Arkansas Board of Education, acting through the Director and the Supervisor, has sole authority to approve all private non-degree granting schools which meet standards established under this Act, and to administer the Act. (AR-02, p. 3)
- The Board, acting through the Commissioner of Education and the Director, shall formulate criteria and standards schools must meet, provide for adequate investigation of schools, and issue licenses.
- The Board, acting through the Commissioner and the Director, shall formulate standards for the licensing of agents and issue licenses. (AR-01, p. 2)
- An Advisory Board appointed by the Governor and representative of the types of schools operated shall: (1) promulgate the criteria to be recommended to the State Board; and (2) advise the Commissioner regarding criteria to be used in formulating standards, rules, and regulations under this Act including rules, regulations, and interpretations thereof concerning operation of schools and agents and development of programs of instruction. (AR-01, pp. 2-3; AR-02, pp. 3-4)
- The Board shall set fees for licensure of schools (AR-02, p. 4) and agents. (AR-02, p. 8)
- The Board may set rules and regulations for administration of provisions relating to agents. (AR-02, p. 9)

b.
- The Board shall provide for adequate investigations of all schools applying for a license. (AR-01, p. 2)

c.
- Applications for a school license shall be filed on forms furnished by the Commission, signed by the applicant, properly verified, and accompanied by: (1) such information as applies to that type of school (AR-01, p. 3); (2) a copy of a surety bond, certified by the County Clerk, which has been prepared on forms supplied by the Board (see 3f); and (3) required fees. In the case of a renewal application, information on number of enrolled Arkansas residents must be included. (AR-02, pp. 6-7)
- The school shall notify the Board of any change in ownership or significant changes in instructional program, faculty, or administration. (AR-01, p. 3)
- Application for renewal shall be filed in a form prescribed by the Board and accompanied by a renewal fee. (AR-01, p. 3)

d.
- Licenses shall be renewable annually. Agents' licenses shall be renewable annually. (AR-01, p. 3; AR-02, p. 8)

e.
- Fees shall be deposited in the Public School Fund and used for the administration of this Act. None shall be refundable. The fee for original application for a school license shall be $50; fee for renewal

shall not exceed $50 (AR-02, p. 5); fee for nt's license shall
be $50; fee for renewal shall not exceed $ 2, p. 8)

f.

g. ● The Board shall maintain a list of approved s. (AR-01, p. 2)
● School licenses are not transferable to new . (AR-01, p. 3)

5. Enforcement (AR-01/AR-02):

a. ● The Board may deny, suspend, or revoke lice schools and/or
agents. (AR-01, p. 4; AR-02, p. 9)
● The Board holds hearings, after 30 days no connection with
such denials, suspensions, or revocations. , p. 4; AR-02, p. 8)

b.

c. ● In the event of expiration or cancellation ired bonds, the
license of a school and/or agent shall be a ally cancelled.
(AR-02, pp. 6-8)
● When increased enrollment requires an incre ety bond, evidence
of such bond increases shall be prerequisi ense renewal.
(AR-02, p. 7)
● An agent's license becomes invalid when th e of the school he/she
represents becomes invalid. (AR-02, p. 5)
● An agent's license may be denied, suspende oked by the Board
upon receipt of evidence of unethical practi d, or misrepresen-
tation by the agent, pending a hearing wi ys. (AR-02, p. 9)
● A school's license may be denied, suspende oked by the Board,
pending a hearing within 30 days. (AR-01,
● The Board's denial, suspension, or revocat school's and/or
agent's license shall be subject to judicial (AR-01, p. 4)

d. ● Any person acting as a school's agent with nse shall be guilty
of a misdemeanor and may be fined up to $5 isoned up to 3
months. (AR-01, p. 8)
● Bonds shall be payable to the State of Ark all be conditioned
to require the school to fulfill contract to students all
tuition and fees, up to the amount of the of failure of the
school to fulfill its contract to give ins the full period of
time and in the manner stated in the contr , p. 6) Bonds
shall be conditioned to provide indemnific students suffering
loss as a result of misrepresentation used ng their enrollment.
(AR-02, p. 7)
● Any person who operates a school without a hall be guilty of a
misdemeanor and may be fined $100 to $500 ned up to 30 days,
or both, for each day of operation. (AR-01
● All contracts between schools and students ective students shall
be null and void if school is not licensed. , p. 7)

AR-01-1 and AR-02-1 through AR-02-6

2. Application (AR-01-1, AR-02-1 -- AR-02-6):

Same basic prohibitions as AR-01/AR-02.

Exemptions:

a. Accredited schools are exempted from the requirement to file a financial statement with the Board, to meet the Board's minimum requirements for a cancellation and refund policy, and to provide reasonable estimates of rates of placement in relevant occupations. The last exemption exists because the Board can obtain this information from accrediting agencies. (AR-02-5, p. 5)

NOTE: Schools located outside Arkansas must be currently accredited or approved in their home states. (AR-02-5, p. 14)

NOTE: Students contracting for correspondence courses may not be considered as enrolled until 10 days after signing of the contract or until the first lesson is submitted, whichever comes first. (AR-01, p. 1)

3. Coverage (AR-01-1, AR-02-1 -- AR-02-6):

NOTE: Certain regulations concern specific fields and schools in such particular detail that they will not be abstracted below. These fields are; stenography, dental assisting, medical laboratory technician tasks, medical assisting, histological assisting, card punch operating, real estate sales and brokering, computer operating, laboratory assisting, medical laboratory technology assisting, radiological technology, unit record operation, and computer programming (junior).

NOTE: Regulations III, IV, and V are abstracted below. Regulations I and II were developed but never adopted.

NOTE: All provisions below apply to residence schools and to correspondence schools, except where noted.

a. • Schools shall be operated in keeping with the intent of this Act and regulations. (AR-02-5, p. 14)
   • Schools shall not engage in commercial activities for profit. (AR-02-5, p. 10)

b. • STATE-APPROVED CRITERION: Courses, curricula, and instruction must be consistent in quality, content, and length with similar courses with accepted standards. (AR-02-5, p. 12)
   • Courses must provide instruction which qualifies students to perform job duties satisfactorily. (AR-02-5, p. 7)
   • Courses must meet restrictions regarding minimum class length (45 minutes), minimum hours per day (5) and week (25), and hours of operation (not after 10:30 p.m.). (AR-02-5, p. 8) (This is not noted for correspondence schools.)

c. • STATE-APPROVED CRITERION: Upon completion of training the student is given a completion certificate. (AR-02-5, p. 13)
   • In addition to the certificate, each student who completes a course must have access to her/his transcripts. (AR-02-5, p. 8)

d. ● STATE-APPROVED CRITERION: Number of instructors must be adequate. Education and experience of instructors and administrative staff must be adequate. Administrators and instructors must be of good moral character. (AR-02-5, pp. 12, 13)
- The school shall maintain sufficiently-qualified faculty to teach all subjects required for completing the course in the time stipulated. (AR-02-5, p. 7) (This is not noted for correspondence schools.)
- One full-time instructor must be maintained for each course or each 30 students. (AR-02-5, p. 8)
- Instructors and the school director must be qualified by education or experience and be of good moral character. The director must devote full time to school operations. (AR-02-5, pp. 8, 9)

e. ● STATE-APPROVED CRITERION: The school has adequate space, equipment, and instructional materials, complies with all health and safety regulations, and does not exceed its enrollment limit. (AR-02-5, pp. 12, 13)
- Equipment and materials must be suitable for use in conducting the courses. (AR-02-5, p. 9) (Neither of these items are noted for correspondence schools.)

f. ● STATE-APPROVED CRITERION: The school must be financially sound and capable of fulfilling its commitments for training.
- The school, including its agents, must be covered by a blanket bond and this bond must be continuous. (AR-02-2, pp. 1, 2) (See AR-01/AR/02, 3f.)
- The school must have sufficient finances to offer services on a continuing basis.
- The school must maintain satisfactory credit ratings. (AR-02-5, p. 10)
- Schools shall furnish financial reports to the Board upon request. (AR-02-5, p. 10) (This is not noted for correspondence schools.)
- Bonds prepared by out-of-state bonding companies must be countersigned by a resident bonding agent. (AR-02-2, p. 2)

g. ● The school shall require high school graduation or its equivalent or 16 years of age with mental capabilities to profit from instruction.
- The school may admit only students who have clearly demonstrated on pre-enrollment tests their ability to complete training satisfactorily. Students who prove incapable after enrollment should be terminated.
- The school shall not permit students of high school age to attend classes while high schools are in session, without arrangement with the principal. (AR-02-5, p. 5)

h. ● STATE-APPROVED CRITERION: A school shall furnish a copy of the course outline, tuition and fees, and regulations affecting students to them upon enrollment. (AR-02-5, p. 13)
- Admission requirements must be published and administered as written. (AR--2-5, p. 5)
- Courses shall not be listed if not approved under the school license. If a course is no longer offered because the school does not maintain qualifications to offer it, the course must be removed from the catalog or stamped "Not Offered." (AR-02-5, p. 7)
- The enrollment contract must clearly state all facts relating to any employment which is guaranteed or promised to a prospective student by the school and/or its agent. (AR--2-5, p. 10)
- The catalog shall contain the following information: (1) name and address of school and date of catalog; (2) names of owners and officials; (3) names, titles, and qualifications of instructors; (4) a calendar of school events; (5) school policies on student performance and conduct; (6) full information on courses offered, including objectives and pre-

requisites; (7) full details on costs and refunds; and (8) a description of space and equipment available (point 7 also applies to correspondence schools). (AR-02-5, pp. 2-4)

i.
- STATE-APPROVED CRITERION: The school must not utilize advertising which is erroneous or misleading by statement, omission, or intimation. (AR-02-5, p. 13)
- Schools and their representatives must not furnish prospective students with information which is critical and/or untruthful concerning another licensed school. (AR-02-5, p. 10)
- Information distributed to students by schools or their agents must accurately describe courses, tuition and fees, instructor qualifications, refund policies, graduation requirements, and employment outlook, and must be that by which the Board approved the school.
- Schools and their agents shall not use terms that are misleading as to character of the school, its instructions, or its influence in obtaining employment for students.
- Schools shall not solicit enrollments by means of "blind" or "help wanted" advertisements.
- Schools shall not use photographs or illustrations that are misleading concerning size, location, or importance of the school or its equipment.
- Schools shall not use endorsements unless the writer consents, and such material must be kept on file by the school.
- Schools must include the phrase "Licenced by the State Department of Education" in their advertising.
- Schools shall not advertise that they offer courses they are not licensed to offer. (AR-02-5, p. 11)
- Correspondence schools must publish their tuition, payment method, and refund policy, and not deviate from them.
- Correspondence school course titles must be published as approved and neither the skill objective nor prospective salary exaggerated. (AR-02-4, p. 9)
- Agents shall not solicit without a license at any time, even for a trial or break-in period. (AR-02-3, p. 2)
- Agents shall not advertise courses or aspects of the school's educational services, other than as approved in the school's application for license. (AR-02-3, p. 3)
- Agents shall not mislead prospective students by promising anything not covered in the enrollment agreement or offering scholarships or discounts which have not been approved by the Board. (AR-02-3, p. 7)
- Correspondence schools shall not make false or deceptive statements regarding employment opportunities. (AR-02-4, p. 9)

j.
- STATE-APPROVED CRITERION: The school must keep adequate records to show attendance and progress, and keep records of previous student education. (AR-02-5, p. 13)
- Correspondence schools must keep records of successful placement efforts. (AR-02-4, p. 5)
- Schools must maintain records in the student's file to show compliance with admission requirements, including a copy of the enrollment agreement. (See 3g, item 1.) (AR-02-5, p. 6)
- The school must maintain records on each student showing identifying information, prior education or experience, progress and attendance, performance, placement efforts, and monies owed and paid. These shall be open to state inspection. (AR-02-5, p. 6)
- Instructor applications and school-teacher agreements must be kept on file. (AR-04-5, p. 8)
- See 3e, item 2.

k. - See 3i, second to last item: applicable to schools as well as agents.
   - Failure to maintain tuition rates as published is grounds for suspension or revocation of a school license. (AR-02-5, p. 10)

l. - STATE-APPROVED CRITERION: The school's cancellation and refund policy must be clearly stated in the catalog and/or contract and must meet Board-specified minimum amounts. (AR-02-5, p. 14)
   - If the refund policy is attached to the contract, the contract must so state and be signed by both student and school representative. (AR-02-1, p. 1)
   - If the school is accredited by a USOE-approved agency, the Board will accept its stated refund policy. (AR-02-1, p. 1)
   - If the school is not accredited, it must refund the following minimum amounts for any course 4 months or more in length: (1) the school may retain $50 as an enrollment fee under any circumstances of cancellation, in addition to other amounts which may be due it; (2) for cancellations occurring up to 2 months after the student enters training, the school must return all but 25% of course charges; (3) for cancellations occurring up to 4 months after the student enters training, the school must return all but 40% of course charges; (4) for cancellations occurring up to 6 months after the student enters training, the school must return all but 75% of course charges; (5) after 6 months, the student is not entitled to a refund. (AR-02-1, pp. 1, 2)
   - If the school is not accredited, it must refund the following minimum amount for any course less than four months in length: (1) the school may retain $50 as an enrollment fee under any circumstances of cancellation, in addition to other amounts which may be due it; (2) the school must refund any course fees on a pro rata basis. (AR-02-6)
   - A student may not be considered to have entered training for a course of any length: (1) for a correspondence course, until ten days have passed or the first lesson has been returned, whichever comes first; or (2) for a resident course, until one regular class period has been attended. (AR-02-1, AR-02-6)

m. - The school shall keep records of all efforts to place students in jobs, including employer names and job titles. (AR-02-5, p. 6)
   - See 3h, item 4.
   - See 3i, last item.

n. - A school must designate one person as its authorized administrative official to be responsible for school obligations and sign the application for defense. (AR-02-5, p. 10)
   - New students should not be enrolled except at announced intervals. (AR-02-5, p. 6)
   - Male students under 21 and female students under 18 must sign enrollment agreements jointly with a parent or guardian. (AR-02-5, p. 6)
   - The school must schedule classes so students will be able to receive instruction in all subjects for the number of instructional hours advertised in the school catalog. (AR-02-5, p. 7)
   - Schools must enforce satisfactory standards of attendance, progress, and conduct. (AR-02-5, p. 10)
   - Agents shall not attempt to persuade a prospective student to cancel enrollment contracts with licensed schools. (AR-02-5, p. 7)

4. Administration (AR-01-1, AR-02-1 -- AR-02-6):

a.
- The State Board of Education approves or disapproves applications for licenses, licenses schools, and prepares school licenses and identification forms for the school's authorized administrative official. (AR-02-5, p. 14)
- The Director arranges hearings at the request of a school whose application for license has been disapproved or whose license has been revoked. (AR-02-3, p. 5; AR-02-5, p. 15)
- The Board approves or disapproves applications for agents' licenses and issues licenses. (AR-03, p. 6)
- The Board may revoke school and/or agents' licenses. (AR-02-5, p. 6)
- The Board prescribes the form and manner of application for school licensure. (AR-02-5, p. 4)
- The Board may direct that supplementary application be presented by schools requesting approval of additional programs of instruction. (AR-02-5, p. 7)
- The Advisory Committee (see AR-01/AR-02, 4g) recommends and the Board approves limitations on school enrollments. (AR-02-5, p. 13)
- The Director makes the decision that the Board shall or shall not revoke an agent's permit. (AR-02-3, pp. 8, 9)

b.

c.
- Schools shall submit applications setting forth the proposed location of the school, qualifications of the Director, description of facilities, courses to be offered, and its financial resources. Applications shall be verified and accompanied by: (1) $50; (2) a copy of a blanket bond; (3) a current catalog; (4) a financial statement; (5) enrollment application and student-school contract forms; (6) the school floor plan; (7) evidence of recent building inspections (points 6 and 7 are not noted for correspondence schools); (8) a complete list of equipment; and (9) a complete description of scholarships, premiums, or inducements offered to prospective students. (AR-02-5, pp. 2-4)
- Schools shall submit applications for renewal of licenses accompanied by: (1) updated catalog information; (2) $50; (3) a copy of the blanket bond, if it is not continuous and/or has expired; (4) a current financial statement; and (5) a statement on school progress, including number of students completing the courses. (AR-02-5, p. 5)
- See 4a, item 6.
- Schools must supply the names and qualifications of instructors to the Board when new instructors are hired. (AR-02-5, p. 9)
- New owners must comply with requirements for an original license. (AR-02-5, p. 4)
- Correspondence schools must include in the application: (1) policy on regularity of lesson preparation; (2) standards of student progress and termination policy; (3) method of improving student performance; and (4) information on usual course completion for a slow learner. (AR-02-4, pp. 2, 3)
- Applications for an agent's license must be on forms prescribed by the Board and include: (1) name and address of school employer; (2) title, length, and cost of each course; (3) two photographs; (4) personal data, including references; (5) certification from the school that the applicant is covered under the blanket bond; and (6) a summary of the past 10 years' activities.
- Agents must submit a separate application for each school they represent. (AR-02-3, pp. 1-3)

d. • Schools shall be licensed annually. (AR-02-5, p. 4)
   • Agents shall be licensed annually. (AR-02-3, p. 3)

e. • See AR-01/AR-02, 4e.

f. • An agent's permit may be issued before replies from character references are received, but would be revoked if references were unfavorable. (AR-02-3, p. 6)

g. • A separate school license is required for each location at which classes are taught. (AR-02-5, p. 4)

5. Enforcement (AR-01-1, AR-02-1 -- AR-02-6):

a. • See AR-01/AR-02, 5a.

b. NOTE: No procedures for handling complaints against the school are indicated.
   • A school or its agent may request a hearing before the Board within 30 days after denial or notice of intent to revoke a license. (AR-02-5, pp. 12, 15; AR-02-3, pp. 4, 7)

c. • The application of a school may be disapproved if it does not meet State Approved Criteria noted in 3a-h. The school must be notified of grounds for denial. (AR-02-5, pp. 11, 12)
   • A school's license application may not be denied without recommendation of the Advisory Committee. (AR-02-5, p. 12)
   • A school's license may be revoked if it does not comply with the law and regulations. (AR-02-5, p. 14)
   • A school's authorized administrative official must be notified when the school is believed to be in violation of the law or regulations and revocation of license is contemplated. Such notice must contain grounds for the action. The school may request a hearing within 15 days of mailing of such notification. (AR-02-5, p. 15)
   • An application for an agent's permit may be denied if: (1) the applicant or school fails to return the completed application form within 30 days; (2) the school does not employ the applicant; (3) the school is not licensed; or (4) five favorable reference reports are not received by the Board within 30 days. (AR-02-3, pp. 4, 5)
   • Disapproval of an agent's permit requires recommendation of the Advisory Committee. (AR-02-3, p. 5)
   • The applicant must be notified and given grounds for denial or revocation of a permit, and within 15 days may request a hearing. (AR-03-3, p. 5)
   • An agent's permit may be revoked when: (1) the school is no longer licensed; (2) the agent is no longer employed by the school of record; (3) application information is found to be false; (4) non-compliance with terms of the license is demonstrated; or (5) the agent has behaved other than in an honest and fair manner. (AR-02-3, pp. 6, 7)
   • See AR-01/AR-02, 5c, item 1.
   • Schools and/or agents must be notified within 10 days of the Board's final action in regard to denial or revocation, which is effective on the date of the action. (AR-01-1, p. 5; AR-02-3, pp. 5, 8)
   • A decision to deny or revoke a school's license or agent's permit may be appealed within 30 days. (AR-02-5, pp. 12, 15; AR-02-3, pp. 6, 9)

d. • Contracts entered into by unlicensed schools are void. (AR-02-5, p. 15)
   • Any person operating an unlicensed or unbonded school is guilty of a misdemeanor punishable by $100-$500 fine and/or 30 days imprisonment for each day of operation. (AR-02-5, p. 16)
   • See AR-01/AR-02, 5d, item 2 for bond indemnification.

e. • An out-of-state school seeking licensure in Arkansas shall designate the Secretary of State or other resident of Pulaski County as agent for service on the bond or additional liability claims. (AR-02-2, p. 2)

6. Other (AR-01-1, AR-02-1 -- AR-02-6):

The school shall submit justifications for public need of its course offerings in its application for license. (AR-02-5, p. 1)

2. Application (AR-03):

"Any person violating the provisions...of this Act shall be guilty of a misdemeanor.... (p. 3) Provisions of the Act state: (1) Anyone wishing to establish a private degree-granting school in Arkansas must incorporate and receive certification from the State Board of Higher Education; (2) a non-degree granting school desiring to offer programs leading to a degree must obtain certification to grant such degree from the State Board of Higher Education (public vocational-technical schools and schools regulated by AR-01 and AR-02 must obtain 'approval' for degree program by both the State Board of Higher Education and the State Board of Education); (3) an out-of-state school must obtain certification from the State Board of Higher Education prior to offering courses in Arkansas."

Exemptions:

a. Non-public colleges and universities currently incorporated and operating under state laws. (p. 2)
b. Public schools are exempted from requirements to incorporate and be "certified."
c. Private non-degree granting schools covered by AR-01/AR-02 are exempted from requirements to incorporate and be "certified.
d. Schools regulated by the State Cosmetology Board are exempted from requirements to incorporate and be "certified." (p. 1)

NOTE: Out-of-state public schools must obtain certification, though out-of state private non-degree granting schools covered by AR-01/AR-o2 and schools regulated by the State Board of Cosmetology need not. (p. 2)

3. Coverage (AR-03):

The Board of Higher Education is empowered to establish the criteria for certification, with the advice of an Advisory Committee. (p. 2)

4. Administration (AR-03):

a. • The Board of Higher Education grants or denies certification and issues certificates of certification appended to a copy of the school charter. (p. 3)
   • The Board of Higher Education establishes criteria for certification and rules and regulations related to the Act with the advice of the Advisory Committee. The Board appoints this Committee.
   • The Board of Higher Education revokes licenses for cause. (p. 3)

b.

c. • Individuals desiring to become a corporation as trustees of a school shall present a charter to the Board of Higher Education. (p. 3)

5. Enforcement (AR-03):

a. • The Board of Higher Education revokes certification. (p. 3)

b. ● The Board of Higher Education must properly investigate before revoking certification. (p. 3)

c. ● After proper investigation, the Board of Higher Education may revoke a certification if it finds that the school is conferring degrees or diplomas without requiring sufficient work therefore, or is in violation of any law or regulation, and after 30 days notice to trustees to show cause why such action should not be taken. (p. 3)

d. ● Anyone operating a school without proper certification shall be guilty of a misdemeanor and liable to a fine of $1000 or 3 months imprisonment. (p. 3)

AR-03-1 through AR-03-7

2. Application (AR-03-1 -- AR-03-7):

Same basic prohibition as AR-03.

Exemptions:

a. Religious training clearly identified as such and limited to religious purposes within the group, unless they request and qualify for certification. (AR-03-4, p. 1)
b. Programs approved and funded by the federal government primarily for the use of military personnel. (AR-03-3, p. 1)

NOTE: Each school must show accreditation or plans to obtain accreditation, preferably the highest level available to it, by a USOE-approved agency or show that no agency can appropriately accredit it.

NOTE: Out-of-state schools must show appropriate approvals from their home states.

3. Coverage (AR-03-1 -- AR-03-7):

a.
- Schools must document the benefits students may expect to accrue from their education. (AR-03-2, p. 1)
- Schools must document their history and ability to sustain proposed offerings. (AR-03-2, p. 2)
- Any proposed offering must be appropriate to the institution and its goals. (AR-03-2, p. 3)

b.

c.

d.
- Schools must show that instructors can provide a quality offering, including documenting their education, number, and sources of new faculty.
- For collegiate instruction, a master's degree or comparable occupational qualifications are generally expected.
- Faculty quality will be measured by number of well-trained faculty members. (AR-03-2, p. 2)

e.
- Physical facilities must be adequate and appropriate. (AR-03-2, p. 3)
- Library resources must be adequate in number and quality. (AR-03-2, p. 2)

f.
- The school must be financially stable and prove it by accurate audits or sets of balance sheets. (AR-03-2, p. 3)

g.
- Schools must show their entrance requirements and demonstrate that students meeting them are able to benefit from the education offered. (AR-03-2, p. 1)

h.
- Schools must provide full disclosure to the public of nature, quality, cost, school ownership, and any other significant information. (AR-03-2, p. 4)

i.
- Information disclosed to the public must be adequate and correct. (AR-03-2, p. 3)

j.

k.

l.

m. • Schools must document job opportunities resulting from completion of the education offered. (AR-03-2, p. 1)

n. • Schools must show approval by all necessary agencies. (AR-03-2, p. 3)

4. Administration (AR-03-1 -- AR-03-7):

a. • The Board of Higher Education shall make all final findings in regard to certification or its denial or revocation, including special hearings or additional hearings. (AR-03-1, p. 1)
   • The Board of Higher Education makes determinations regarding exemptions of military programs. (AR-03-3, p. 1)
   • The Institutional Certification Advisory Committee advises on individual requests for certification (AR-03-1, p. 1) and advises on the necessity of visiting committees in individual cases. (AR-03-5, p. 1)

b. • The certification procedure has the following steps: (1) submission of application; (2) public hearing by Advisory Committee to review application and give notice to interested parties; (3) public hearing by Advisory Committee to hear interested parties and formulate recommendations; (4) Board of Higher Education consideration and listening to interested parties; and (5) Board decision or request for further hearings. (AR-03-3, p. 1)
   • Certification and regular (renewal) reviews may require visiting committees. (AR-03-5, p. 1)

c. • Schools must submit an application in the format of adopted criteria and include: (1) a clear general description of the nature of each program; (2) location of school and target population; (3) information on any nearby similar programs; (4) information related to impact of the program on different races and a discussion of desegregation efforts at the school and potential impact on society (AR-02-3, pp. 4, 5) ; (5) number, education, and sources of faculty members; (6) copies of all current public information documents; and (7) evidence that it meets all criteria in 3a-n. This information must be provided at each stage of certification (see 4f below). (AR-03-2, pp. 1-5)

d. • Renewal period is two years, or at any time the institution changes control or organization. (AR-03-5, p. 1)

e.

f. • Certification may be granted in stages: (1) First Stage Certification, based on plans for the school which meet criteria in 3a-n; (2) Second Stage Certification, based on completed plans and readiness to enroll students (this must be obtained before operation can begin and is valid no longer than two years); and (3) Full Certification, granted to schools who demonstrate they meet criteria. (AR-03-7, p. 1)

g. • The State Administrative Procedures Act must be observed and public notices published in a major newspaper. (AR-03-1, p. 1)

5. Enforcement (AR-03-1 -- AR-03-7):

a. • The Board of Higher Education or Advisory Committee may request a special review of a school when it appears certification requirements are no longer met. (AR-03-5, p. 1)

b. • A special review may range from requiring answers to specific questions to a complete review of school operations by each criterion. (AR-03-5, p. 1)

c.
- Revocation on the basis of 5a above is implied but not mentioned.
- Appeal of Board decisions is to the Courts and the General Assembly. (AR-03-6, p. 1)

6. Other (AR-03-1 -- AR-03-7):

Need for the offered education, need for the occupational skills it provides, if any, and documentation of student availability and demand must be demonstrated. (AR-03-2, p. 1)

Information on similar programs in the area must be presented to demonstrate that the proposed program is needed and that programs at other institutions will not be harmed by excessive competition. (AR-03-2, p. 5)

AR-04

2. Application (AR-04):

Public supported institutions of higher education in Arkansas, including universities, colleges, and community junior colleges.

3. Coverage (AR-04):

a. ● Each of the state-supported colleges and universities shall cooperate with the Board of Higher Education in its endeavor to expand or modify existing programs, establish new programs, and recommend the proper role and scope of each institution to the Governor and the General Assembly.

b. ● The Board shall evaluate proposals for all new units of instruction and determine, based upon established policies, whether such new units are justified.
   ● "New units" includes the establishment of a college, school, department, new curricula, or majors leading to a new degree program.
   ● "Establish policies" means a written statement developed by the Board which shall set forth the relevant criteria a proposal for a new unit of instruction must meet. (pp. 2-3)

c.

d. ● The Director employed by the Board of Higher Education shall establish the required minimum qualifications for the president of a community college. (p. 6)

e. ● No state-supported college or university shall acquire any new or additional data-processing equipment by purchase or lease without approval by the Department of Higher Education. (p. 5)

f. ● The Board shall evaluate and coordinate budget requests for state-supported universities and colleges and present a single budget report to the Governor and General Assembly prior to each regular session. (p. 3)

g.

h.

i.

j. ● The Board shall adopt uniform forms for financial reporting, academic statistics, and resident status of students. (p. 4)
   ● Subject to approval by the Board, the Division of Community Junior Colleges shall develop a uniform budget format and accounting and reporting procedures to be used by all community junior colleges. (p. 6)

k. ● The Board shall recommend minimum and maximum student fees for both in-state and out-of-state students for all public institutions of higher learning in the state, and recommend the level of funding and the method of distributing state-supported scholarships and loan programs. (p. 3)

l.

m.

n. ● The Division of Junior Community Colleges shall develop criteria for the transfer of student credits for those entering senior institutions. (p. 5)

4. Administration (AR-04):

a.
- The Board of Higher Education shall conduct studies of programs for purposes of reducing unnecessary program duplication and identifying needs for new programs; and analyses of class size, faculty loads, cost of instruction, student enrollment, and retention. (p. 4)
- The Board may recommend the discontinuance of programs found to be an unnecessary duplication. (p. 3)

5. Enforcement (AR-04):

a.
- Subject to approval by the Board of Higher Education, the Division of Community Junior Colleges shall determine, with the Joint Legislative Auditing Committee, that state funds are used in conformity with the grants of such funds. (p. 6)

CALIFORNIA

1. Identification:

CA-01

Article 1 - General Provisions of Chapter 1
Private Colleges, Schools and Institutions Generally of Division 21. Private Educational Institutions (called "Division 21" of the Education Code)

Originally enacted: 1958 (A copy of Division 21 dated 3/25/76 was abstracted.)

Stated purpose: The preservation of our liberties through encouraging privately supported education, protecting the integrity of degrees and diplomas issued by private and public institutions, and encouraging public institutions to recognize work completed at and degrees and diplomas issued by private institutions so that students may have equal opportunities.

Basic effect: Limits authority to grant degrees or diplomas, and requires approval of courses resulting in diplomas and, in certain cases, of institutions to grant degrees. Also requires permits to sell enrollments or correspondence courses. Prohibits certain advertising practices and the sale of degrees or diplomas.

Basic coverage: Private degree and non-degree granting

CA-01-2

Title 5. Private Schools and Correspondence Courses Chapter 2. Private Schools Offering Education or Training to or for Adults

Entered in register: 2 January 1971

Basic effect: Sets forth rules and regulations for approval of private postsecondary institutions to offer diplomas, degrees, and courses.

CA-01-3

Title 5. Private Schools and Correspondents Courses Chapter 3. Permits for Salesmen of Privately Conducted Correspondence and Resident Courses

Entered in register: 1 March 1975

Stated purpose:

Basic effect: Sets forth rules and regulations governing issuance of sales permits for agents of private schools and correspondence courses.

CA-01-4

Amendments Relating to Resident School Refund Regulations in Title V California Administrative Code

Copy dated: 2 July 1975

Basic effect: Sets forth rules and regulations regarding the refund of unused tuition fees and other charges for private resident schools.

CA-02

An act to amend, add, and repeal specific sections of the Education and Government Codes relating to public higher education, and make appropriations (AB 770 - Chapter 1187)

Effective date: October 1973

Stated purpose: Establishes California Postsecondary Education Commission to assure the effective utilization of public postsecondary education resources, and prescribes its membership, power, and duties. Transfers duties and functions of Coordinating Council for Higher Education to the Commission. Vests in the Board of Governors of California Community Colleges all necessary power to expend funds provided for community colleges.

Basic effect: Although advisory, planning, and coordinating are the primary functions of the Commission, its educational policy recommendations are a major influence in legislative decision making.

Basic coverage: Public degree and non-degree granting

CA-03

The California State Universities and Colleges (from Education Code, Chapter 3)

Effective date: 1961 (?)

Stated purpose: Creates the Board designated as the Trustees of the California State University and Colleges to administer the statewide system.

Basic effect: To establish the membership and terms of office of the Trustees and describe the Board's powers and responsibilities.

Basic coverage: Public degree granting (state universities and colleges, 4-year, and graduate degrees)

2. Application (CA-01):

No person or group may award academic or honorary degrees unless one of the following three requirements is met: (1) full accreditation; (2) approval to issue degrees by the Superintendent of Public Instruction; or (3) ownership of $50,000 worth of property used exclusively for educational purposes. (The last requirement is known as the a(3) provision.) (pp. 6-7)

No person or group may issue diplomas or offer courses of education or training unless approved by the Superintendent of Public Instruction according to stated requirements. (pp. 6, 9)

Exemptions from degree requirements:

? • Religious instruction offered by churches (pp. 5, 9)
• Three- and four-year accredited law schools (p. 8)

Exemptions from diploma requirements:

a. In-service training if certain requirements are met. (p. 2)
b. Institutions authorized to award degrees when approved to issue diplomas for courses of study within approved degree programs, but which do not fully meet degree requirements.
c. Licensed hospitals awarding diplomas in connection with the operation of the hospital.
d. Persons or groups approved by another state board or agency.
e. Accredited institutions, programs, or courses of study with affidavits on file verifying: accreditation; financial capability; avoidance of erroneous or misleading advertising; and acceptable refund policy. (p. 2)
f. Courses offered solely for avocational or recreational purposes. (p. 9)
g. Certain certificates of graduation in psychology. (p. 2)
NOTE: Exemptions listed above regarding accredited status.
NOTE: Differentiations between degree and non-degree granting institutions/courses.

3. Coverage (CA-01):

Certain requirements apply to degree programs, other requirements affect diploma courses, and some requirements apply to both.

If a degree granting institution, program, or course is not accredited and has not filed the property ownership affidavit and appraisal, it may still be approved to issue specified degrees if the Superintendent of Public Instruction determines that it has the facilities, financial resources, administrative capabilities, faculty, and other expertise and resources necessary to a program that will prepare students to attain professional, vocational, or educational objectives; and that its curriculum is consistent in quality with that offered by established institutions. The standards of an appropriate accrediting agency may be used in making these determinations. (p. 7)

Requirements for diploma courses are patterned on the VA course approval criteria.

a. ● Corporations formed for educational purposes must have at least five directors. (p. 5)

b. ● The courses, curriculum, and instruction of diploma courses must be consistent in quality, content, and length with similar courses in public or other private schools with recognized accepted standards; or they must meet standards for reaching the objective of that course. (p. 9) (See introduction to this section for curriculum requirements for degree programs.)

c. ● Honorary degrees must be so marked on their face. (p. 6)
● No person or group may sell or buy a degree or diploma or use one that has been fraudulently or illegally issued or obtained. (p. 20)
● No diploma or degree may be used if the course or scholastic achievement represented by it was not undertaken, completed, or attained. (pp. 20-12)

d. ● To grant diplomas or offer courses, there must be sufficient instructors to provide training of the quality to attain the objective of the course; the educational and experience qualifications of directors, administrators, and instructors must be adequate; and the institution's administrator, director, owner, and instructors must be of good reputation and character. (p. 9) (See introduction to this section for administration and faculty requirements for degree programs.)

e. ● To grant diplomas or offer courses, the institution must have adequate space, equipment, and instructional material to provide training of the quality needed to obtain the objective of the course.
● The institution must comply with all regulations such as fire, building, and sanitation codes. (p. 9)
● The institution must not exceed enrollment facilities and equipment. (p. 10)
● See introduction to this section for degree requirements regarding facilities.

f. ● One route to approval to grant degrees is for the head of an educational corporation to file an affidavit with the Superintendent of Public Instruction stating that the corporation owns an interest in real or personal property used exclusively for the purpose of education of a fair market value of not less than $50,000. A description and appraisal of the property by the county inheritance tax appraiser must be included. (A "full disclosure" statement must also be filed. See the first item of 3h.)
● To grant diplomas or offer courses, the institution must be financially capable of fulfilling its commitments for its approved courses. (p. 10)
● See introduction to this section for other degree requirements regarding financial stability. (p. 7)

g. ● Graduation from high school need not be a prerequisite to undertaking or completing a degree or diploma course of study. (p. 1)

h. ● The "full disclosure" statement that must be filed along with the $50,000 property affidavit to earn approval to grant degrees (see the first item of 3f) requires educational corporations to describe institutional objectives and proposed methods of achieving them, the curriculum, instruction, faculty (with qualification), physical facilities, administrative personnel, educational records, tuition and fee schedule, scholastic regulations, diplomas and degrees to be conferred, graduation requirements, and financial stability. (p. 7)
● To grant diplomas or offer courses, a copy of the course outline, schedule of tuition, fees, and other charges, regulations pertaining to tardiness,

absence, grading policy, and rules of operation and conduct must be available to students upon enrollment. (p. 9)

- Contracts for resident diploma courses or for correspondence courses must include a statement instructing the student to direct unresolved questions about the school to the State Director of Education.
- These contracts must also include, on the same page on which the student signs and in larger print than the rest of the contract, the total financial obligation the student will incur. (pp. 10, 12)

i. • To grant diplomas or offer courses, the institution may not use any type of advertising which is erroneous or misleading either by actual statement, omission, or intimation. (p. 10)

- No person or group owning or representing a private school offering training to adults shall: (1) make representations known to be false, deceptive, inaccurate or misleading; (2) promise employment using training; (3) advertise concerning job availability, degree of skill, and time required to learn a skill or trade unless the information is accurate and in no way misleading; (4) advertise that correspondence instruction is being offered; (5) advertise that resident instruction is offered without including in all material the address where the training is given; (6) solicit students by advertising in "help wanted" columns or by running "blind" ads which fail to identify the school (joint "help wanted" ads between schools and employers are permitted if seven conditions are met); (7) advertise in such a way as to lead the reader to the mistaken belief that employment is being offered; (8) use the words "accredited" or "approved" unless the complete name of the accrediting or approving organization immediately follows; or (9) represent that completion of training will result in union membership. (pp. 18-19)
- No person shall sell correspondence courses at any academic level or sell enrollments off-campus to adults unless s/he holds a permit issued by the State Board of Education or its delegatee.
- No person shall be issued a permit except upon the submission of satisfactory evidence of good moral character.
- Permit applications shall be accompanied by bonds to provide full indemnification of any person for any loss suffered as a result of any fraud or misrepresentation used in the sale of courses. The bond shall provide for liability in the penal sum of $1,000. (pp. 11-14)
- It is unlawful to imply that permits represent evaluation, recognition, accreditation, or endorsement of courses offered by officials of the state or that permits constitute an assurance that courses provide the education or training necessary to reach a professional, educational, or vocational objective, or that they will result in union membership, employment, or personal earnings. (pp. 13, 15)
- It is unlawful to imply that filing the $50,000 property affidavit and full disclosure statement means officials of the state have evaluated, recognized, accredited, approved, or endorsed a degree course of study. (p. 7)

j. • To grant diplomas or offer courses, the institution must maintain written records of the student's previous education and training and adequate records to show attendance, progress, and grades. (p. 9)

- Any person or group which issues degrees, diplomas, honorary degrees, or honorary diplomas shall maintain for at least 3 years at its principal place of business in California records showing: names and addresses of students; courses of study offered; names, addresses, and educational qualifications of faculty; and degrees and diplomas granted, to whom, when, and upon what curriculum. (pp. 17-18)

k.

l.
- To grant diplomas or offer courses, the institution must have and maintain a refund policy which meets rules and regulations adopted by the Superintendent of Public Instruction. (p. 10)

m.
- To grant diplomas or offer courses, the institution must give recognition to the student's previous education and training, where applicable. (p. 9)

4. Administration (CA-01):

a.
- The Director of Education, with advice from the Council for Private Postsecondary Educational Institutions, shall establish policy and regulations for the administration of this chapter and prepare a budget. (p. 4)
- The Superintendent of Public Instruction grants approval. (pp. 6, 9)
- Authority to issue sales permits is granted to the State Board of Education which may delegate it to the Superintendent of Public Instruction. (pp. 11, 13)

b.

c.
- Persons or groups seeking to grant degrees by meeting the accreditation requirements must have filed an affidavit by the administrative head of the institution stating that the institution is accredited. (p. 6)
- Those seeking degree-granting approval directly from the Superintendent of Public Instruction shall use forms provided by the State Department of Education and provide information on facilities, financial resources, administrative capability, faculty, and other expertise and resources.
- Corporations filing under section a(3) must mail certified copies of the property affidavit, appraisal, and full disclosure statement to the Department of Education within 48 hours of filing. (p. 7)
- Corporations meeting the requirements of section a(3) for conferring degrees must annually file affidavits by the president or other head setting forth for the preceding year the corporation's financial statement, all names under which it has done business, its business address, the address of the location of its records and the name and address of the custodian of the records, the names and addresses of its directors and principal officers, and that its records (see 3j) are true and accurate. Any changes in this information must be reported to the Superintendent of Public Instruction within 20 days. (p. 17)
- The administrative head of institutions seeking exemption from diploma requirements based upon accredited status must file affidavits verifying that each course for which a diploma is granted is accredited, that the institution is financially capable of fulfilling its commitments for accredited courses, that the institution does not use misleading or false advertising, and that the institution has and maintains a refund policy that meets the minimum standards of regulations adopted by the Superintendent of Public Instruction. (p. 8)
- Applications for approval to issue diplomas shall be made on forms provided. (p. 9)
- Applications for permits to sell correspondence courses or to sell resident school courses off-campus must be made on forms provided. They shall be accompanied by a bond and by evidence of good moral character. (pp. 11-15)

d. ● Initial approval to grant degrees is for 1 year; renewal is for 3-year periods. (p. 6)
- Initial approval to offer diplomas is for 1 year and must be renewed annually. (p. 9)
- Affidavits for verification of the diploma accreditation exemption and for a(3) degree granting requirement must be submitted annually. (pp. 8, 17)
- Sales permits are granted for 1-year periods.

e. ● For approval to issue degrees, the fees are: (1) $500 for an original application; (2) $150 annually during the approval period renewal; (3) $100 for approval to grant additional degrees, approval of additional major fields in approved degrees, change of location, or auxiliary facilities in a new location; (4) $150 for change of ownership; and (5) $8 for evaluation and approval of directors, administrators, and instructors subsequent to original application. (pp. 15-16)
- For an initial filing to meet the a(3) degree granting requirement, the fee is $300. Annual filings after that shall cost $150.
- Filing original and annual diploma-granting accreditation affidavits costs $150.
- For approval to issue diplomas or offer courses, the fees are: (1) $300 for an original application; (2) $150 for a renewal of a temporary approval or annual approval of courses; (3) $100 for approval of changes or additions of courses or location of facilities; (4) $150 for change of ownership; and (5) $8 for evaluation and approval of personnel after original application.
- For sales permits the fee for an original application is $20 and for renewal or for additional sales permits it is $15.
- A fee of not more than $75 is required, in addition to other fees, for programs training medical assistants, to pay for special evaluations. (See 4g.)

f. ● Pending final approval of new or added courses, a temporary approval may be issued upon submission of the complete application. Temporary approval lasts for 1 year and may be extended. (p. 9)

g. ● Special committees of technical experts may be formed to assist in the development of standards and the evaluation of courses or schools applying for approval. Members serve at no expense to the state. (p. 4)
- Each year, the Superintendent of Public Instruction is to publish a list of schools conferring diplomas and degrees which includes the statute section under which each was approved. (p. 18)

5. Enforcement (CA-01):

a. ● The Superintendent of Public Instruction shall report any information concerning possible violations of this article to the Attorney General who shall investigate to determine whether or not there has been compliance with provisions of this article. The Attorney General is authorized to take such actions as are necessary, including obtaining injunctive relief, to enforce provisions. (p. 22)

b.

c. ● The only specific provision regarding denial and revocation notes that sales permits may be revoked or suspended by the State Board of Education for fraud or misrepresentation in connection with solicitation or sales or for the existence of any condition which, if in existence at the time the permit was issued, would have been grounds for denial of the permit. (pp. 11, 13)

- Provisions of the Government Code apply to approval and permit decisions. (pp. 7, 11, 13, 15)

d.
- Bonds accompanying sales permits shall provide for liability in the penal sum of $1,000. Sales contracts shall be voidable if the school's representative was not a holder of a sales permit. Judgments in the student's favor rendered in actions maintained for material loss suffered as a result of fraud or misrepresentation in solicitations or sales shall include court costs and attorney's fees. (pp. 12, 14)
- Any person or school that willfully violates limitation on advertising shall be unable to enforce contracts or agreements arising from the violation. Tuition or fees that have been collected shall be refunded, and the student shall be awarded damages and may be awarded treble damages in the discretion of the court. Judgments in the student's favor shall include court costs and attorney's fees. (pp. 19-20)
- Any person or school that willfully buys or sells diplomas or degrees, uses them when illegally obtained, uses, gives, or receives degrees or diplomas when the evidenced course of study or scholastic achievement was not attained, or uses the Great Seal of the State of California on any private school diploma is guilty of a felony and is punishable by imprisonment of up to 5 years or a fine of not less than $1,000 or both.
- Any person or school that willfully violates other provisions of this article is punishable, for a first offense, by imprisonment up to 1 year or a fine up to $500 or both. Second and subsequent offenses are felonies with punishments the same as the felonies discussed above. (p. 21)

e.
- For approval to issue diplomas or offer courses the institution must designate an agent for service of process within the state. (Service of process is a notice to someone summoning him or her to court.) (p. 10)

6. Other (CA-01):

The Director of the Department of Consumer Affairs serves as an ex officio member of the Council for Private Postsecondary Education Institutions. (p. 3)

CA-01-2

2. Application (CA-01-2):

The provisions of this chapter apply to all courses of education or training offered to adults except those excluded by CA-01. (p. D-885) Courses required for licensing in a profession, vocation, or occupation controlled by a state board or agency shall not be approved. (p. D-890.1)

3. Coverage (CA-01-2):

A set of general standards that must be met and maintained before final approval of a course is issued.

a.

b. • The school's courses must indicate objectives, methods of instruction, and content. The course content, number of clock hours, and units, or the number of correspondence lessons shall conform in content with the indicated objective. (p. D-888)

c. • Schools will not be authorized to issue documents solely on the basis of training taken elsewhere or transfer credits. Specific requirements for transfer credits were stated. (p. D-890.2)

d. • Instructors must meet one of the following requirements: bachelor's degree, valid adult or secondary school teaching credential, 5 years experience in the occupation to be taught, a combination of 5 years experience and collegiate education, possession of license to teach, or adequate experience and education in the opinion of the Superintendent of Public Instruction.
• Instructors or administrators are not considered qualified without evidence of rehabilitation if they have pled guilty, been found guilty, or entered a plea of no contest to any crime of moral turpitude. (pp. D-887 - D-888)

e. • Physical facilities shall meet legal requirements regarding fire, safety, ventilation, lighting, sanitation, and others.
• Facilities shall be adequate for good instruction in courses offered.
• Equipment and instructional materials must be adequate and suitable for the type of course offered and the number of students attending. (p. D-888)

f. • The school's financial resources must appear adequate to insure operation for the duration of the approval. (p. D-887)

g.

h. • Enrollment contracts must include clear and conspicuous reference to the existence of a termination and refund policy. (p. D-890.1)

i. • A school shall comply with the provisions regarding advertising of Division 21 of the Education Code. (See CA-01.)
• A school with approved courses may state so in its advertising. Statements must clearly relate only to approved courses. Temporary approval may not be used for advertising. (p. D-890.2)

j. • The school shall maintain current, accurate records of student attendance and progress. (p. D-888)

k.

l. NOTE: The following refund provisions apply only to correspondence courses. (See CA-01-4 for refund regulations for resident schools.)
   - Students must give the school a written notice of their intention not to be bound by the enrollment contract. The school must make a written acknowledgement.
   - Course materials must be sent to students within 7 days of enrollment. If they are not, the student may rescind the contract by written notice. (p. D-889)
   - Within 72 hours of receipt of the course materials, students may terminate enrollment and be charged only a registration fee of not more than $50 if they return all course materials in usable condition.
   - Within 30 days, a terminating student may not be charged more than the larger of either the pro rata cost of materials submitted or 15% of the contract price plus $50.
   - Between 30 and 60 days, charges may not exceed the larger of either the pro rata cost or 20% of the contract price plus $50.
   - Between 60 and 90 days, charges are either pro rata or 25% plus $50.
   - Between 90 and 180 days, charges are either pro rata or 50% plus $50. (p. D-890)
   - These rules apply to courses the average student completes within 3 years. For longer courses, the pro rata contract price is based upon the ratio 3 years bears to the total length of the course. The beginning of the fourth year is considered a new enrollment. (p. D-890.1)

m.

n.
   - For approval, the school must operate on a basis of sound administrative policies and must adhere to ethical practices. (p. D-887)
   - Correspondence students who have paid the full contract price may request the remainder of all course materials. In such event, the student waives all refund rights. (pp. D-890 - D-890.1)

4. Administration (CA-01-2):

a.
   - The Superintendent of Public Instruction issues approval when the Bureau of School Approvals finds that a school has met requirements. (p. D-892)

b.
   - A school's application for approval gives consent to inspection by representatives of the Bureau and special committee members. When inspections are made, schools must make possible evaluation of course offerings, examination of school records, interviewing of students and others, and evaluation of physical plant, instructional aids, equipment, and classes in session. (p. D-888)

c.
   - Original applications for approval to offer diplomas or courses shall be made on forms provided. The following information (as well as other information specified on the form) shall be given: (1) exact name of the courses to be approved; (2) name, address, and phone number of applicant; (3) type of school and ownership, with names of officers and administrative head, and articles of incorporation if applicable; (4) names and qualifications of all administrative and instructional staffs, and the assignments of the persons responsible for administrative policies, instructional programs, and maintenance of appropriate records; (5) date upon which the school began to offer the course; (6) accreditation or approval of the course if applicable; (7) beginning date for proposed or

new courses; (8) copy of the latest financial statement or a recognized credit rating; (9) a summary outline of each course indicating its name, the highest objective, the type of document (diploma) to be granted, admission requirements, methods of instruction, attendance and progress requirements, all tuition and charges, length of course and subject or phase breakdown showing the length of each, a master class schedule, and school calendar; (10) references from individuals who can attest to the reputation of the school; (11) a description of available space, facilities, and equipment used in the instructional program and information indicating compliance with regulations relating to fire, health, and safety; (12) statement of the school's refund policy; (13) a copy of current documents, catalogs, brochures, circulars, promotional letters, and other advertising materials; (14) a list of names, addresses, and assigned areas for all agents employed by the school; and (15) any other evidence the Superintendent deems necessary to determine whether the course meets recognized standards for reachings its objective. (pp. D-890.2 - D-891)

- Renewal applications must include evidence that courses continue to meet requirements.
- Applications for approval of additional courses shall contain information to show that the course and school meet requirements. (p. D-892)
- Individuals added to the instructional or administrative staff must submit personal data.
- The school must notify the Bureau of staff terminations and reassignments. (p. D-888)
- Changes in address, management, approved courses, administrative or instructional staff, or physical facilities must be reported to the Superintendent within 20 days.
- The Superintendent must be kept advised of the names and addresses and all areas assigned to agents. (p. D-889)

d. • Fees for original and renewal applications and approval of additional courses were listed. They appear to be out-of-date. (pp. D-890.2 - D-892)

e.

f. • After the Bureau reviews an application and determines that it is complete, a temporary approval is issued. It is valid until official action is taken. (p. D-892)

g. • If asked, schools offering courses under the regulation of another state board or federal agency must show evidence of being in good standing. (p. D-889)

- A school may not affiliate with another school to offer instruction or issue diplomas or degrees unless both schools qualify under specific provisions of the Education Code. The affiliation must be reported. (p. D-890.1)

5. Enforcement (CA-01-2):

a. • The Bureau of School Approvals is empowered to take action on behalf of the Superintendent of Public Instruction. The Bureau may refer matters to the Superintendent for his determination. (p. D-894)

b.

c. • An application for approval may be denied because: (1) the application is not complete; (2) the applicant has not supplied all the information requested; (3) the information fails to show that the course meets requirements; (4) without evidence of rehabilitation, an owner, corporate officer, or member of the board of directors has pled nolo contendere, guilty, or has been found guilty of moral turpitude; or (5) the school has committed unscrupulous acts, made material misrepresentations, committed fraud, or has lied on the approval application.

- Approval shall automatically terminate if: (1) the school ceases operation; (2) it is sold or changes ownership; (3) changes in location or personnel are not reported promptly; and (4) year-to-year approval is terminated. (p. D-893)
- Schools may request hearing on denial, withdrawal, or suspension decisions. A Statement of Issues or an Accusation shall be prepared by the Superintendent and mailed or delivered. A hearing officer alone or with the Superintendent shall hear the case. (See 5a.) (p. D-895)

2. Application (CA-01-3):

The provisions apply to any person who, by personal contact in California, sells or solicits the sale of any correspondence or resident course for remuneration at a location away from the instructional site. (p. D-901)

4. Administration (CA-01-3):

a. • The State Board of Education delegates authority to issue permits to the Superintendent. The Bureau shall review evidence, determine if the applicant qualifies, and issue the permit. (p. D-904)

b. • The Bureau reviews the application to determine its completeness and compliance with bond requirements and examines and evaluates the evidence of moral character. (p. D-904)

c. • Applications for permits shall be made on forms provided. The following information and any prescribed on the forms is required: (1) name, address, and telephone number of applicant; (2) name and address of resident or correspondence school represented; (3) name and address of previous employers for 5 years; (4) names and addresses of five persons other than relatives or associates who are in a position to certify as to the character of the applicant; (5) current copies of contracts and sales agreements, advertising, circulars, and promotional letters; (6) two photographs; (7) finger-print cards; and (7) a surety bond for $1,000. Renewal applications require submission of only names, advertising, photographs, and surety bonds. (pp. D-903 - D-904)

d. • Permits are good for only 1 calendar year and must be renewed annually.

e. • The original application fee is $20. Renewal is $15. (pp. D-903 - D-904)

g. • The Bureau shall keep a current file of holders of sales permits. (p. D-904)

5. Enforcement (CA-01-3):

a. • The Board has the authority to hear appeals to denial and revocation decisions but usually delegates it to a hearing officer. (p. D-906)

b.

c. • Grounds for denial, revocation, or suspension are the same. They are: (1) incomplete application; (2) failure to furnish evidence of identification or good moral character; (3) deception or fraud in application; (4) moral turpitude conviction or plea of guilty or no contest without evidence of rehabilitation; (5) permit revoked in California or other state; (6) fraud or misrepresentation in sales including false promise, use of oral, written, or printed statements, illustrations, implications, or omissions tending to mislead; or (7) other conduct constituting improper, fraudulent, or dishonest dealing. (p. D-905)

CA-01-4

2. Application (CA-01-4):

These amendments set forth refund regulations for private resident schools.

3. Coverage (CA-01-4):

h. • Enrollment agreements or contracts shall clearly set forth a minimum refund policy as stated within this section and it shall be part of the contract. (p. 1)

i.

j. • Agreements or contracts between a school and a student shall remain a permanent record of the school and be available for inspection upon notice given by the Office of the State Attorney General or the Superintendent of Public Instruction. (p. 2)

k. • Payment of tuition through an installment or deferred payment plan shall comply with the provisions of both the Unruh Act of California and the United States Truth in Lending Act. (p. 3)

l. • Upon written application for cancellation of an enrollment agreement delivered within 3 days after signing, the student shall be refunded all monies paid to the school.
   • Delivery after 3 days but before classes start entitles the student to a total refund less $50 registration fee.
   • For other refunds, the following formula shall be used: (p. 1)

% of Attendance Time to Total Time of Course	Amount of Refund
up to 5%	80%
10%	70%
15%	60%
20%	50%
25%	30%
over 25%	no refund

- Fees collected in error shall be repaid in full.
- Students who are unable to continue because of compulsory military service, death, or disability shall receive refunds according to the formula above. Students must prove errors or these conditions.
- Full refunds are due students if the school discontinues their class. (p. 2)
- The Superintendent may grant exceptions to the refund policy. (pp. 2-3)
- Veterans may receive all refunds to which they are entitled under federal or state rules. (p. 3)

5. Enforcement (CA-01-4):

b. • A student who is denied a refund may request the Superintendent to investigate. If the denial is unjustified, the school shall be ordered to pay within 10 days. (p. 2)

CA-02

2. Application (CA-02):

New institutions, branches, off-campus centers, funding, establishing enrollment levels, and capital outlays may not be authorized unless recommended by the Commission.

- The Commission shall submit plans to the Legislature and Governor for the funding and administration of a program to encourage innovative educational programs. (p. 5)

3. Coverage (CA-02):

a. ● The Commission shall have the power to require the governing boards and the institutions of public postsecondary education to submit data on plans and programs, costs, selection and retention of students, enrollments, and plant capacities, and shall furnish information to the Governor and the Legislature.

c. ● It is the intent of the Legislature that existing or new public institutions (other than those in Section 22500) shall not be authorized to offer instruction beyond the fourteenth grade level. (p. 6)

g. ● The Commission shall review and make recommendations concerning proposals for changes in eligibility pools for admission to public institutions. (p. 6)

h. ● The Commission shall collect and conduct studies of projected manpower supply and demand and disseminate results to institutions and to the public in order to improve the information base upon which student choices are made.

4. Administration (CA-02):

a.

b. ● The Commission shall review proposals by public segments for new postsecondary educational programs and make recommendations to the Legislature and Governor.

● It shall establish a schedule for segmental review of selected educational programs, evaluate the program review processes, and report its findings and recommendations to the Legislature and Governor.

● It shall develop criteria for evaluating the effectiveness of all aspects of postsecondary education, and establish criteria for state support of new and existing programs.

NOTE: "New postsecondary educational programs" is defined as all proposals for new schools or colleges, all series or courses arranged in a sequence leading to a graduate or undergraduate degree, or a certificate...which have not appeared in a district's academic plan within the previous 2 years.

c. ● The Commission shall report annually to the Legislature and Governor regarding the financial conditions of independent institutions, their enrollment and application figures, number of student spaces available, and the cost of utilizing those spaces as compared to providing additional public spaces.

CA-03

2. **Application (CA-03):**

The primary function is the provision of undergraduate and graduate instruction through the master's degree. Doctoral degrees may be awarded jointly with the University or with a private accredited institution if the proposed doctoral program is approved by the California Postsecondary Education Commission.

3. **Coverage (CA-03):**

e. ● The Trustees shall have full power and responsibility in the construction and development of any state campuses and any buildings or other facilities.

g. ● No person shall be denied admission to any department of the state universities and colleges on account of sex.

COLORADO

1. Identification:

CO-03

Private Vocational Schools Act of 1975 concerning the Regulation of Private Vocational Schools: Title 12, Article 59, Colorado Revised Statutes 1973, as amended. Article 59-Private Vocational Schools

Effective date: 1 January 1976

Stated purpose: "...to provide standards for and to foster and improve private vocational schools and their educational services and to protect the citizens of this state against fraudulent or substandard private vocational schools by: (a) prohibiting...false...advertising...; (b) establishing accountability for...schools...and their agents through the setting of standards...[of] quality of educational services, fiscal responsibility, and ethical business practices; (c) providing for the preservation of essential records; and (d) providing certain rights and remedies to the state board...and the consuming public...." (p. 1)

Basic effect: Requires certificates of approval for private vocational schools and permits for their agents. Requires preservation of records and prohibits deceptive advertising.

Basic coverage: Private non-degree granting

CO-03-1

The Rules and Regulations Concerning the Private Vocational School Act of 1975

Effective date: 12 January 1976

Stated purpose:

Basic effect: Sets forth rules and additional standards and criteria for the Private Vocational School Act of 1975.

CO-04

Article 2-Degrees - Honorary - or for Academic Achievement (23-2-101 to 104) (called the "Diploma Mill Law")

Enacted: 1965

Stated purpose: "...enacted for the general improvement of the educational programs available to the residents of...Colorado; to establish high standards for the education of such residents; to prevent misrepresentation, fraud, and collusion in offering such educational programs...; to eliminate those practices relative to such programs which are incompatible with the public interest; and to protect, preserve, foster, and encourage the educational programs offered by private educational institutions which are of comparable standards to educational programs offered by state universities and colleges." (p. 260)

Basic effect: Prohibits granting of degrees, except by state schools, religious schools, and certain private colleges or universities. (p. 262)

Basic coverage: Private degree granting

NOTE: Section 23-2-103 of CO-04 prohibits bestowing degrees or honorary degrees by a person or group "...except a state college or university, a private college or university, or a seminary or bible college and except a school, college, or university which offers courses of instruction or study in compliance with standards prescribed by articles 13, 29 to 34, 36, 37, and 39 to 41 of title 12, C.R.S. 1973." (p. 262) We were unable to obtain copies of these articles.

NOTE: Section 7-50-105, C.R.S. 1973 contains provisions regarding the authority of corporations existing for educational purposes to award degrees. We were also unable to obtain copies of this.

CO-06

Concerning duties of the State Board for Community Colleges and Occupational Education (H.B. No. 1343); amends C.R.S. 1963

Date enacted:

Stated purpose:

Basic effect: Amends sections of statutes concerning grants and appropriations to area vocational schools and junior college districts.

Basic coverage: Public degree and non-degree granting (2-year institutions)

CO-07

Community College and Occupational Education Act of 1967

Effective date: 1967

Stated purpose: Intent is "for the development of higher education in the state, which includes a system of state general colleges,...principally undergraduate education; a system of universities and special purpose institutions conducting extensive graduate and research programs as well as... undergraduate;...and a system of two-year colleges conducting occupational, technical and community service programs with no term limitations and general education, including college transfer programs, with unrestricted admissions. Further...to develop appropriate occupational education...in postsecondary educational institutions." (p. 371)

Basic effect: Creates a state board for community colleges and occupational education and establishes a state system of community and technical colleges under the jurisdiction of the State Board.

Basic coverage: Public degree and non-degree granting (2-year institutions)

CO-03

2. Application (CO-03):

No entity shall: (1) operate a non-exempt school without a certificate of approval; (2) offer educational services or grant educational credentials from a school without a valid agent's permit; (3) accept contracts or enrollment agreements from an agent who does not have a permit; or (4) award educational credentials without requiring the completion of any education. (p. 7)

Exemptions:

a. Public schools supported at least in part by taxes.
b. Non-profit schools owned and operated by religious institutions exempt from property taxation.
c. Private schools authorized to grant degrees.
d. Schools offering education solely avocational or supplementary in nature, or only in the field of entertainment or recreation.
e. A school regulated and approved under another law (including apprenticeship training registered under state or federal law, educational services offered by an approved hospital, and flight schools certificated by the FAA).
f. Private elementary and secondary schools.
g. Schools offering only educational services for which no money or consideration is paid.
h. A school offering only educational services to a public or private degree granting school.
i. A school offering only educational services to an employer for training of employees. Educational services offered by an employer for employees or by a trade, business, professional, or fraternal organization for its members. (pp. 2-3)

NOTE: The State Board for Community Colleges and Occupational Education grants accreditation to schools which apply and meet at least the standards of an appropriate recognized accrediting agency. Accreditation is voluntary and does not affect a certificate of approval. The school must pay for the accreditation evaluation. (p. 4)

NOTE: The renewal period for agents of Colorado schools is 3 years; agents of out-of-state schools must renew their permits annually. (p. 10)

3. Coverage (CO-03):

The criteria for approval to be established by the State Board shall meet at least the following minimum standards:

a.

b. • The educational services are such as will adequately achieve their stated objectives. (p. 5)

c. • Upon satisfactory completion of training, the student is given appropriate educational credentials. (p. 6)

d. • The instructional staff is adequate to provide educational services necessary to meet the stated objectives for which they are offered.

- The education and experience of administrators, instructional staff, and other personnel are such to insure that students will receive educational services consistent with the courses' stated objectives.
- The principal owners, corporate directors, officers, administrators, instructors, and consultants are of good reputation and free from moral turpitude. (p. 6)

e.
- The school has adequate facilities, equipment, and instructional materials to provide educational services necessary to meet its stated objectives.
- The school complies with laws relative to health and safety. (p. 6)

f.
- The school can demonstrate that it has sufficient financial resources to fulfill its commitments to students, make refunds, and meet its financial obligations. (p. 5)
- Surety bonds are required as part of the application for a certificate of approval. (pp. 5, 14) The amount of the bond is determined by a formula in which the prepaid tuition and fees received in a fiscal year is divided by the numbers of semesters, quarters, months, or classes of training for which payments are received when students begin training. (p. 14)
- The State Board may promulgate rules for adjusting bond requirements up to 25%.
- The Board may reduce bond requirements up to 25% when a school submits audited financial statements certified by a public accountant which show evidence that current assets exceed current liabilities by 100%. (The financial statements must meet criteria listed earlier in this section.) (p. 15)
- See 3j regarding financial record maintenance.

g.
- Schools may not deny enrollment or classify students because of race, color, creed, national origin, or sex. (p. 7)
- It is a deceptive trade or sales practice for a school to enroll a student when it is reasonably obvious that the student is unlikely to complete successfully a program or is unlikely to qualify for employment in the field, unless the fact is affirmatively disclosed. (p. 18)

h.
- Schools must provide prospective students, prior to signing contracts or enrollment agreements or before classes begin, with a catalog and other printed information describing the educational services offered, including entrance requirements, program objectives, length of programs, schedule of tuitions, fees, and all other charges and expenses necessary to complete cancellation and refund policies, and other material facts likely to affect enrollment decisions. (p. 6)
- Schools must provide students with a copy of the executed enrollment agreement or contract at the time of enrollment. (p. 7)

i.
- Agents must be of good reputation and free from moral turpitude. (p. 6)
- Agents may represent only a school which meets minimum standards and established criteria. (p. 7)
- Agents may not have violated prohibitions set forth in Section 2 or have engaged in deceptive trade or sales practices. (p. 6)
- It is deceptive trade or sales practice for a school or agent to: (1) make statements or representations which are known or reasonably should have been known to be false, substantially inaccurate, or misleading; (2) represent falsely, directly or by implication through the use of a trade or business name or use of "help wanted" ads or employment columns, that it is an employment agency or agent, or authorized training facility for an industry or a member of such industry, or to deceptively conceal

that it is a school; (3) represent falsely that it has been approved by an industry or that successful completion qualifies a student for admission to a labor union or receipt of a state license to perform certain functions; (4) represent falsely that the lack of a high school education, prior training, or experience is not a handicap to completing training or gaining employment; (5) adopt a name, trade name, or trademark which represents falsely the quality, scope, nature, size, or integrity of the school or its educational services; (6) represent falsely that students may transfer credit to institutions of higher education; (7) represent falsely the size, location, facilities, equipment, experience qualifications of faculty, or the extent or nature of state agency approval or private accreditation; (8) provide propsective students with testimonials, endorsements, or other information which tends to mislead regarding current practices of the school, current conditions for employment, or probable earnings; (9) see second item of 3g; and (10) designate or refer to sales representatives as "counselors" or "advisors" or otherwise misrepresent their authority or qualifications. It is also a deceptive trade or sales practice for an agent of an out-of-state school to represent that such school is approved or accredited by the State of Colorado. (pp. 17-18)

- Applications for agents' permits must be accompanied by a $5,000 surety bond. (p. 15)

j.
- Schools must maintain adequate educational financial, and other records. (p. 6)
- Out-of-state schools must maintain and make available to the State Board a list of the name and address of each student enrolled within Colorado. (p. 7)
- If a school is discontinued, the owner must file its records with the State Board or place them in a mutually acceptable depository. (pp. 18-19)

k.

l.
- Schools must adhere to a refund policy which complies with this article. (p. 17)
- Refunds shall be made within 30 days and shall provide for the following: (1) a full refund of all money paid if the applicant is not accepted by the school; (2) a full refund of tuition and fees paid if, without having started training, the applicant withdraws within 3 days after signing the contract or making an initial payment; (3) a full refund of tuition and fees paid if a school discontinues a course or program during the time a student would expect to complete it (does not apply when a school ceases operation); (4) that the school uses a method of determining the official termination date which complies with the State Board's established criteria; and (5) that the following provisions are used for cancellation, settlement, and refund: (a) students terminating within the first 10% of their program are entitled to a refund of 90% of the contract price exclusive of books, tools, and supplies, less $100 or 25% of the contract price whichever is less; (b) terminations after 10% but before 20% are entitled to a refund of 80% of the contract price exclusive of books, tools, and supplies, less the cancellation charge; (c) terminations within the first 40% are entitled to refunds of 60%, less the cancellation charge; (d) terminations within 60% are entitled to refunds of 40%, less the cancellation charge; (e) terminations within 80% are entitled to refunds of 20%, less the

cancellation charge; and (f) after 80%, no refunds are due. (pp. 12-13)

- Schools offering individualized instruction shall establish a time period for completion of training, a policy for satisfactory progress, and a policy for termination if assignment completion is not maintained. Refunds may be computed based on these. (p. 13)
- Schools may be required to submit to the State Board a notice of each tuition refund paid or contract cancelled. (p. 14)

m.

n.
- One duty of the State Board is to require schools to post notices of school closure by operation of law or otherwise.
- Among additional minimum standards for criteria for school approval were: (1) schools must adhere to procedures, standards, and policies set forth in the school catalog and other printed materials; (2) schools may not have violated prohibitions set forth in section 2 or have engaged in deceptive trade or sales practices; (p. 6) and (3) schools or agents shall have paid required restitution resulting from complaints of deceptive trade or sales practices and any civil penalties. (p. 7)

4. Administration (CO-03):

a.
- The State Board for Community Colleges and Occupational Education is the main administrative agency for this act. The State Board's duties include establishing minimum criteria for certificates of approval and agents' permits; receiving, investigating, evaluating, and acting upon applications; maintaining a permanent file of records; granting accreditation; making agreements with similar agencies of other states; and promulgating rules and regulations. (pp. 3-5)
- The Director of Occupational Education is appointed by the State Board and may grant an agent's permit to an applicant when authorized by the State Board. (p. 10)
- A private vocational school advisory committee was created to advise the State Board on matters pertaining to the implementation of the article. It may make recommendations regarding granting, denying, or revoking certificates of approval or agents' permits, approving new courses or programs, or developing minimum criteria, rules, regulations, and procedures. (p. 21)

b.
- Applications for certificates of approval, change of ownership, or agents' permits are reviewed and evaluated by the State Board. Further information may be requested and the applicant may be investigated and appraised. (pp. 9-10)

c.
- Applications for certificates of approval, changes of ownership, or agents' permits shall be made on forms provided. (pp. 8-9)
- Certificate applications shall be accompanied by: (1) a catalog; (2) a description of the school's placement assistance; (3) a current balance sheet, income and expense statement, and other supportive documentation prepared by an independent or certified public accountant; (4) copies of all media advertising and promotional literature; (5) copies of all enrollment agreement or contract forms and instruments evidencing indebtedness; and (6) a surety bond. (p. 8)

d.
- Certificates of approval are issued in July and last for 3 years.
- New schools (those not holding certificates as of 1 January 1976, those whose certificates have expired because they have not submitted renewal

applications before the deadline, or those whose certificates were revoked or denied) are issued a provisional certificate of approval which lasts for 2 years. (p. 9)

- An agent's permit expires on the same date that the certificate of approval of the school he or she represents expires.
- Permits for agents representing out-of-state schools expire annually. (p. 10)

e.
- The application fee for a new school is $200.
- For other schools it is $375.
- Agents' permit fees are $25.
- Fees are credited to the General Fund. (p. 16)

f.
- See the second item of 4d above.

g.
- Applications for certificates of approval must be signed and certified to under oath.
- The State Board is not required to act on an application until it is submitted as set forth in this section. (p. 8)
- If complete, appropriate renewal applications for certificates of approval are not submitted 4½ months before the expiration date, the existing certificate will expire and applications submitted after the deadline shall be treated as applications of new schools. (p. 8)
- Renewal applications for agents' permits must be submitted 60 days prior to expiration. If they are not submitted correctly and on time, the existing permit expires. (p. 10)
- In the event a school changes ownership, the seller must notify the State Board in writing before the change; the buyer has 30 days to make application for approval. (p. 9)
- An application for a permit to represent an out-of-state school shall not be acted upon until information about the school (including the name of an agent for service of process) is submitted.
- An agent representing more than one school must obtain a separate permit for each school. (p. 10)
- The Board shall publish a list of schools and maintain a list of agents authorized to operate. (p. 4)

5. Enforcement (CO-03):

a.
- The State Board for Community Colleges and Occupational Education is authorized to investigate schools and agents and may issue subpoenas and require answers under oath. (pp. 4, 18)
- The Board may consider complaints at hearings. (p. 18)
- The Board may deny applications for certificates of approval, change of ownership, or agents' permits. (pp. 9-10)
- The Board may decide whether to hold hearings to deny or revoke certificates or permits. (pp. 11-12)
- Certificates of approval or agents' permits may be revoked or suspended by the Board without a hearing under certain circumstances. (See 5c.) (p. 12)

NOTE: It is unclear whether in general the Board may deny or revoke without a hearing. (pp. 9-12) It appears that the Board does not hold hearings itself, rather that they are conducted by a hearing officer appointed by the Board from a list provided by the Attorney General. (p. 2)

- The Board may deny or revoke the permits of agents of out-of-state schools determined not to be in compliance with this article.
- It may also appoint hearing officers to conduct hearings on any matter within its authority. (p. 4)

- The Board may commence action against a school or agent. (p. 19)
- The District Attorney prosecutes all criminal violations occurring within his district. (p. 2)

b.
- Notarized written complaints of loss of tuition or fees due to deceptive trade or sales practices of agents or schools, setting forth the complaint and other information that may be required, may be filed with the State Board up to 180 days after a student discontinues training. (p. 18)
- The State Board shall investigate the complaint and may consider it at a hearing. The Board may inspect school facilities and records, subpoena persons and documents, require answers in writing under oath to its questions, and administer oaths or affirmations in connection with the investigation. (pp. 4, 18)

c.
- If the State Board determines that an applicant for a certificate of approval or an agent's permit fails to meet criteria established pursuant to this article, the Board shall submit to the applicant a notice of noncompliance setting forth the reasons. The notice shall also set forth a period of time in which further information or arguments may be submitted or during which the reasons may be eliminated.
- The Board will consider the further information, arguments, and steps taken to comply and decide whether to conduct a hearing for the purpose of denying the application.
- Certificate or permit applications may also be denied by the Board if the applicant has furnished false or misleading information to the Board with the intent to mislead or conceal the truth regarding factors in approving the application.
- The State Administrative Procedure Act applies to denial of new school certificate applications and initial agents' permit applications. (p. 11)
- Denial of an application for change of ownership shall be the same as for denial of certificates of approval, except that no notice of noncompliance is required.
- A certificate of approval expires if the school ceases operation. It is suspended if the buyer of a school fails to make application for a change of ownership within 30 days. (p. 9)
- If the Board determines schools or agents are or have violated established criteria, a notice of noncompliance giving reasons shall be submitted. (p. 11)
- The Board shall consider information and arguments submitted or steps taken to comply after the notice and determine whether to conduct a hearing for the purpose of revoking the certificate or permit.
- If the Board finds that holders of certificates or permits have willfully and deliberately violated established criteria or that the public health, safety, or welfare imperatively requires emergency action, it may summarily suspend certificates or permits pending a hearing.
- Certificates or permits may also be revoked if the holder has furnished false or misleading information to the Board with the intent to mislead or conceal the truth in factors related to approval or continuing in effect certificates or permits. (p. 12)
- Permits for agents of out-of-state schools shall be suspended when the school fails to maintain an in-state agent upon whom any process, notice, or demand may be served. (p. 10)
- Permits or certificates shall be suspended when the school or agent is no longer covered by an appropriate surety bond. The Board shall notify schools or agents 45 days prior to the release of the surety. (p. 16)

d.
- Bonds accompanying applications for certificates of approval shall be conditioned to provide indemnification to students, enrollees, or their parents determined by the State Board to have suffered loss of tuition as a result of any act or practice which is a violation of any minimum standard or criterion, or as a result of a school ceasing operation. (Ceasing operation means expiration, denial, revocation, or suspension of certificate of approval.)
- The aggregate liability of the surety on the bond shall not exceed the penal sum of the bond. (p. 14)
- Persons claiming loss shall file a notarized claim with the State Board. Claims may not be made more than 180 days after a student discontinues training.
- When Colorado schools cease operation the Board shall request that all students file claims.
- Claims shall not exceed the unearned portion of tuition and fees paid. (Claims are subject to proration if the bond is insufficient.)
- Claims may be filed even if the student has agreed to complete training at another school.
- Bonds accompanying applications for permits for agents of out-of-state schools provide indemnification to students, enrollees, or their parents determined by the Board to have suffered loss of tuition or fees as a result of deceptive sales practices or violations of criteria by agents. The aggregate liability of the surety on bonds shall not exceed the penal sum of the bond. (p. 15)
- Notarized claims of loss resulting from deceptive trade or sales practices shall be filed with the State Board within 180 days of the date the student discontinues training.
- The State Board shall conduct a hearing to determine loss. If a claim is found correct and due the claimant, the Board shall make demand upon the principal (school or agent) or surety (bonding company). If either fails to pay, the Board shall commence action in court up to 6 years from the time the offense occurred. (p. 16)
- Notes, other instruments of indebtedness, or payment contracts are enforceable in state courts by in-state schools unless the school held a valid certificate of approval at the time they were executed. No school with agents in the state may enforce contracts or notes unless the agents hold a valid permit at the time of execution.
- Schools extending credit or lending money for educational services shall mark conspicuously on the face of notes, "This is an enrollment agreement instrument. Every holder takes it subject to all claims and defenses of the maker." If schools fail to do this, they are liable to damages or losses suffered by subsequent holders on account of the absence of the notation.
- Notwithstanding the preceding or students' waiver of rights, schools making loans or subsequent holders shall be subject to all defenses and claims which could be asserted against the school which was to furnish educational services by parties to the note or persons who were to receive services. (p. 19)
- If, after a hearing on a complaint, the State Board finds that a school or agent is or has engaged in a deceptive trade or sales practice, the Board may issue an order requiring the school or agent to cease and desist. The Board may obtain an order for enforcement of its order in the district court.
- If the Board finds that students have suffered loss of tuition or fees as a result of such a practice, the Board may award full restitution

for such loss. It may also begin civil action against a school or agent. Upon a finding of loss, the court shall order the school or agent to pay full restitution. (p. 18)

- The State Board may seize the educational, financial, or other records of a school ceasing operation if it appears that the records are in danger of being destroyed or made unavailable to the Board. The Board must first apply to an appropriate court for an order. The Board shall maintain records for 10 years. (p. 19)
- The Board may begin civil action against schools or agents that have violated the prohibitions listed in section 2 or that fail or refuse to deposit records. Upon a finding of a violation, failure, or refusal, the court shall order the school or agent to pay the Board a civil penalty of not more than $100 per violation. (Each day is a violation.) (pp. 19-20)
- Willful violations, failures, or refusals are misdemeanors and upon conviction are punished by fines of not more than $1000 or imprisonment in the county jail for not more than 6 months, or both.
- Whenever it appears to the State Board that schools or agents have been violating provisions of this article or its rules and regulations, the Board may, on its own motion or as a result of a complaint, apply for and obtain in court a temporary restraining order or injunction, or both, in the name of the Board.
- It is not necessary that the Board allege or prove it has no other remedy at law. The right of injunction is in addition to other legal remedies and criminal prosecution. (pp. 20-21)
- Any school which offers to provide educational services or offers to award educational credentials to persons in Colorado submits itself to the jurisdiction of Colorado courts. Service of process on out-of-state schools or agents has the same force and effect as if the summons had been served within Colorado. (p. 20)

e.
- Schools must submit to the State Board the name and Colorado address of an agent upon whom any process, notice, or demand may be served. (p. 7)
- The State Board is not required to act for 12 months on an application submitted by a school whose certificate of approval has been revoked or denied by a final nonappealable order of the Board or by an agent whose permit has been similarly revoked or denied.
- Notwithstanding that an order of revocation or denial may be subject to judicial review, schools and agents shall comply with the provisions of this article. (pp. 8, 11)
- The State Board may require schools to submit supplementary documentation to enable the Board to determine continued compliance at any time within the period of a certificate of approval. (p. 9)
- The State Administrative Procedures Act shall govern giving of notices for and the conduct of any hearings of the Board. (p. 20)

CO-03-1

2. Application (CO-03-1):

Although it is not specifically stated, it can be assumed that the rules in CO-03-1 apply to the schools covered by CO-03.

3. Coverage (CO-03-1):

a.

b.
- Private vocational schools shall offer only educational services which have been approved or exempted by the State Board.
- The occupational objective(s) of each program shall be clearly stated. (p. 2)

c.
- Upon graduation, each school shall provide students with a copy of the individual student's record of achievement including name and identification number of the student, title of program, total number of hours of training received, grade record for each course, lesson, or unit, cumulative grade for the program, and explanation of grading system. (p. 8)

d.
- Schools shall designate a resident director who shall possess a background of administrative experience and/or education appropriate for competent school administration.
- Program area supervisors must have had 3 years successful teaching experience and a valid instructor credential in the program area to be supervised. (p. 2)
- All instructional staff shall possess a valid vocational credential issued under the Colorado State Plan for Vocational Education or under established minimum provisions. (Education and experience criteria are listed for specific programs.) (pp. 3-5)
- The educational background shall be sufficiently recent to assure up-to-date knowledge.
- The instructor shall also have had recent work or teaching experience in the program area sufficient in nature and duration to assure successful performance. (p. 3)
- Instructor credentials must be renewed every 5 years. Additional course work, experience, or research is required.
- See the first item of 3n.
- The student-teacher ratio shall be reasonable in terms of the suitability of the facility, adequacy of equipment, and the method of instruction. (p. 1)

e.
- The equipment and facilities shall conform to safety, health, and other requirements of local, county, and state agencies. (p. 2)

f.
- If the Board has reason to believe that the financial condition of a school has deteriorated to the detriment of students after filing an application for a certificate of approval, the Board may require submission of monthly operating statements and/or other current financial information. (p. 2)
- See the first item of 3j.
- The minimum bond to be submitted as part of an application for a certificate of approval is $5000. (p. 8)

g.

h.
- Each private vocational school shall publish a catalog containing at least the following information: (1) name and address of school;

(2) identifying data such as catalog number and date of publication; (3) table of contents; (4) names of owners and officials, including governing boards and faculty; (5) the school calendar, including holidays, enrollment periods, and beginning and ending dates of terms, courses, or programs; (6) enrollment procedures and entrance requirements, including late enrollment; (7) attendance policy including mininum attendance requirements, the circumstances under which a student will be interrupted for unsatisfactory attendance, and the conditions under which a student will be readmitted; (8) policy concerning satisfactory progress, including how progress is measured and evaluated, an explanation of the grading system, the conditions under which the student may be readmitted if terminated for unsatisfactory progress, and a description of any probation policy; (9) system for making progress reports to students; (10) description of facilities and equipment used for training; (11) description of each educational service offered, including objectives, tuition, fees, length, and/or number of lessons or units; (12) policy concerning credit granted for previous education, training, or experience; and (13) refund policy including method for determining official date of termination.

- Supplemental pages may be used if they are used in a way as to become an effective part of the catalog, show an effective date, and are presented to each prospective student prior to enrollment. (pp. 5-6)
- Enrollment contracts shall be fully completed, dated, and signed by the student and an authorized representative of the school prior to the time instruction begins. The school and student each receive a copy.
- The contract shall contain information that will clearly and completely define the terms of the agreement, including: (1) name and address of school and student; (2) title of educational service, date training is to begin, and number of hours, units, or lessons for which contracted; (3) the itemized costs incurred by the student in order to complete training, including tuition, fees, books, supplies, and other expenses, and an outline of the method of payment or payment schedule and items subject to cost change without notice shall be clearly identified; (4) refund policy, including the method of determining official date of termination displayed in type no smaller than the rest; and (5) a statement acknowledging receipt of a copy of the school catalog and contract by the student. (p. 7)

i.
- A school shall advertise only in its assigned name. (p. 1)
- A school is responsible for the conduct of its agents and shall select each of them with the utmost care, provide them with adequate training, and arrange for regular and proper supervision of their work. (p. 9)
- A guarantee of placement shall not be falsely promised or implied.
- Phraseology for Colorado schools to refer to their state approval and/or accreditation was given.
- A school shall disclose in advertising and promotional materials the principal location at which the training is offered.
- A correspondence school shall disclose in advertising and promotional materials that training is conducted through correspondence or home study.
- School agents or representatives shall not falsely or deceptively represent that the school has restrictions on enrollment as to numbers, date of submission of application, or similar false representations.
- A school or its agents shall not make or perpetuate any false or deceptive statement in regard to any other postsecondary school or college. (p. 10)

j.
- For at least 6 years, each school shall maintain student records including at least: (1) a copy of the enrollment contract and other instruments

relating to payment; (2) student information including student identification number, age or date of birth, permanent address, and records relating to financial payments and refunds; (3) date of completion or termination of training and the reason(s) therefore; (4) record of any student grievance and subsequent resolution; and (5) copies of all correspondence or other records relating to the recruitment, enrollment, and placement of the student. (p. 7)

- A copy of the document provided to students upon graduation shall be maintained as a permanent record. (See 3c.)
- Each school shall make student records available for deposit in the event of school closure. (p. 8)

k. ● During the period of approval the method of computing financial statements shall not be changed without prior approval of the State Board.
- Each private vocational school that allows tuition or fee financing through installment or deferred payment plans shall comply with all state and federal laws concerning consumer credit and truth-in-lending, or any other law related to consumer financing. (p. 1)

l. ● The official date of termination of a student shall be the date on which the school receives notice of the student's intention to discontinue the program, or the date on which the student violates published school policy which provides for termination. (p. 10)

m.

n. ● Programs of not more than two instructors shall assure proper supervision of each program area by establishing a program advisory committee whose members are qualified to advise the resident director on program content, and by establishing a planned program of instructor training conducted by individuals who possess at least 3 years of vocational teaching experience. (p. 3)
- No franchise school shall be approved unless the franchise agreement contains a provision that the franchise shall not be terminated until sufficient arrangement shall have first been made to assure the completion of training of enrolled students. (p. 8)

4. Administration (CO-03-1):

a.

b. ● See third item of 4c below.

c. ● A private vocational school shall give the State Board written notice of the employment, dismissal, resignation, or other termination of any member of the instructional or administrative staff within 15 days. (p. 1)
- Minor program revisions (e.g., changes in texts, etc.) which do not affect or alter the occupational objective shall be filed in writing with the State Board on or before the date they are made.
- Major program revisions shall be submitted prior to the proposed date of implementation to allow the State Board to review them. (p. 3)
- The complete legal name and location shall be included on an application for a certificate of approval.
- A school that is a subsidiary or affiliate of another corporation shall submit current financial information about the parent corporation.
- A franchise school must submit its franchise agreement and all attachments to it.

- Applications for certificates must include a proposal for the amount of surety bond due and an explanation of the method used for computing that amount. (p. 8)
- Each year, schools holding certificates of approval shall file: (1) a current balance sheet, income and expense statement, and other supportive financial documentation prepared by an independent or certified public accountant; (2) a proposal justifying the continued adequacy of its bond with supporting documents; and (3) a description of any significant changes in the physical facility.
- Before a permit will be issued to an agent of an out-of-state school, the school must submit: (1) documents relating to the home state's authorization to operate and any accreditations or other approvals; (2) a catalog containing information required by these rules and regulations; (3) copies of all advertising to be used in Colorado; (4) copies of enrollment contracts and other instruments of indebtedness to be used in Colorado which match these rules and regulations; and (5) the name of a Colorado agent for service of process.

d.

e.

f.

g.
- Schools under common ownership which maintain individual facilities, faculty, and students shall be considered separate entities, bonded individually, and issued separate certificates.
- The Board will not act on issuing a permit to an agent of an out-of-state school until that school has submitted required information. (See 4c.)

CO-04

2. Application (CO-04):

"...no person, partnership, corporation, company, society, or association doing business in the state of Colorado shall award, bestow, confer, give, grant, convey, or sell to any other person a degree or honorary degree...." (p. 262)

Except:

a. A state college or university (institutions of higher education, including junior colleges established as agencies of the state and supported wholly or in part by taxes).
b. A private college or university (institutions of higher education doing business in Colorado which require high school completion for admission and offer courses leading to credits toward a degree, the majority of which are generally acceptable or transferrable to at least one college or univeristy accredited by one of the six regional accrediting associations).
c. A seminary or bible college (a bona fide religious institution exempt from property taxation in Colorado).
d. A school, college, or university which offers courses of instruction or study in compliance with standards prescribed by law.*

NOTE: See exemption a regarding public institutions.
NOTE: See exemption b regarding accreditation.

4. Administration (CO-04):

a. ● The Department of Education is charged with the administration of this article. (p. 262)

5. Enforcement (CO-04):

a. ● The Department of Education, acting through the Attorney General, may proceed against any violation of this article. (p. 262)

b.

c.

d. ● Injunctions may be sought against violators.
● No such proceeding and no order issued therein shall bar the imposition of any other penalty imposed for violation of this article. (p. 262)
● Violations of this article are misdemeanors punishable by a fine up to $500, imprisonment in the county jail up to 6 months, or both.

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*See note in CO-04 identification section regarding these standards.

CO-06

2. Application (CO-06):

Junior college districts and six area vocational schools in which students have a declared objective in approved occupational courses.

Basic prohibition: Shall not include disbursements for students enrolled with avocational objectives, or any students other than those enrolled in postsecondary courses for credit.

3. Coverage (CO-06):

a. • The law defines area vocational school as "...offering approved postsecondary vocational programs for credit...in conformity with standards established by the state board for community colleges and occupational education." (124-26-3, p. 1)
b. • Distributions of funds made under this section shall be only for students with a declared objective in approved occupational courses. (p. 2)
c.
d.
e.
f. • The amendment states that any junior college district operating and/or organized as such during the entire year which a grant is made shall be entitled to a direct grant from appropriated funds of $575 for each resident student carrying an average of 45 quarter or 30 semester hours.
g.
h.
i.
j.
k. • Distributes to area vocational schools an amount not to exceed $1050 per FTE for the direct operating expenses of approved postsecondary vocational programs. (p. 2)
   • Appropriates direct grants to junior college districts on a pro-rata basis in proportion to work load carried by each Colorado resident student enrolled in postsecondary courses for credit.

4. Administration (CO-06):

a. • The State Board for Community Colleges and Occupational Education shall certify to the State Treasurer the amounts to be paid to eligible junior college districts and area vocational schools as direct grants. (p. 2)
b.
c. • Procedures for the certification of junior college districts to the State Board for Community Colleges and Occupational Education of the number of students and the hours for which they are registered shall be prescribed by regulation of the State Board.

CO-07

2. Application (CO-07):

Primarily the community college and technical college systems.

The Board shall provide for the implementation of state plans for occupational education, and for this purpose may enter into contracts with governing bodies of approved education districts or agencies and proprietary schools.

Basic prohibition: Excludes programs designed to fit individuals for employment in occupations considered to be professional or which require a baccalaureate or higher degree.

3. Coverage (CO-07):

a. • The State Board for Community Colleges and Occupational Education has the authority to recommend the location and priorities for establishment of new community and technical colleges.
b. • The Board can recommend and review proposals for the establishment of and for major changes in curriculums. New postsecondary programs of occupational education require Board approval.
c. • The Board defines requirements for appropriate degrees and certificates and authorizes their award, subject only to the review of the Commission on Higher Education relating to formal academic programs.
d. • The Board establishes minimum qualifications necessary for teachers of occupational subjects, teacher-trainers, and administrators and shall certify them to the Department of Education. (p. 374)
e.
f. • The Board reviews and recommends to the Commission on Higher Education both operating and capital budget requests of the community and technical colleges.
g. • All two-year colleges shall have unrestricted admissions for high school graduates or students with comparable qualifications. (p. 375)
h.
i.
j.
k.
l.
m. • The Board can enter into cooperative arrangements with the public employment system to make available all occupational information regarding prospects of employment, provide occupational guidance to students, and inform public employment offices about qualifications of persons completing occupational programs so that the offices may aid in placement. (p. 374)
n. • The Board has the authority to develop a plan with baccalaureate degree granting universities and colleges of the state to assure maximum freedom of transfer of students. (p. 374)

4. Administration (CO-07):

   b. ● No board of cooperative services shall establish a new postsecondary program of occupational education without first obtaining approval from the Board. (p. 377)

CONNECTICUT

1. Identification:

CT-02

Section 10-8. Licensing of private schools for trade instruction and special occupational training

Effective date: 1 July 1966

Stated purpose:

Basic effect: Requires a certificate authorizing the offering of occupational training.

Basic coverage: Private, proprietary, non-degree granting

CT-02-1

Regulations of the State Board of Education concerning the licensing of schools offering training for certain occupations...

Adopted: 8 June 1966, amended 7 December 1966

Stated purpose: "...to improve the bases of regulating certain private schools and for extending the coverage...." (p. 8)

Basic effect: Amplifies section 10-8.

CT-03

Section 10-330 (formerly Section 10-6) Authority to confer academic degrees

Effective date: 1965, revised several times (see CT-08)

Stated purpose:

Basic effect: Requires licensure (initial authorization for a specified initial period) and state accreditation (authorization to continue) to operate a program or institution of higher learning, confer degrees, or use terms like "college" or "university.

Basic coverage: Public and private degree granting

CT-03-1

The regulations of Connecticut state agencies section 10-330-1 to 10-330-22 included in policies and procedures for licensing and accrediting institutions of higher learning in Connecticut.

Approved: 12 November 1974

Stated purpose:

Basic effect: Sets forth standards and procedures for licensing and accreditation.

CT-04

State Technical Colleges

Effective date: July 1969

Stated purpose: Creates the Board of Trustees of the State Technical Colleges and states that the Board shall administer them, plan for their expansion and development, and submit such plans to the Commission for Higher Education for approval.

Basic effect: Authorizes the Board to confer the degree of associate in applied sciences or such other degrees or certificates appropriate to the curriculum of technical colleges, subject to approval of the Commission on Higher Education.

Basic coverage: Public degree (2-year) and non-degree granting

No further abstract prepared.

CT-07

The state system of higher education

Effective date: 1973 (Senate Bill 1813 repeals Sections 10-332, 324 of the 1969 supplement to general statutes)

Stated purpose: Defines the state system of higher education and authorizes the Commission for Higher Education to be responsible for the planning, coordination, and approval of programs and institutions.

Basic effect: Designates the Commission as the overall governance body for public higher postsecondary education; promulgating regulations; recommending program, budgetary, and staff requests; and proposals for legislative action.

Basic coverage: Public and private degree

CT-08

Senate Bill No. 1856, Public Act No. 73-408, an act concerning proprietary schools

Effective date: 1973

Stated purpose:

Basic effect: Amends CT-03 to permit proprietary degree granting institutions to seek licensure and accreditation. (See CT-03, section 2.)

Basic coverage: Public and private degree granting

No further abstract prepared.

CT-09

An Act Concerning the Board for State Academic Awards (Public Act No. 75-442). Repeals Section 10-330a of General Statutes

Effective date: 1 July 1975

Stated purpose: The Commission on Higher Education, with the state institutions, shall develop and coordinate the implementation of new methods of awarding undergraduate degrees and college credits through external degrees and examinations.

Basic effect: Establishes the Board for State Academic Awards as the agency to develop and implement programs to improve opportunities in higher education through alternative modes of service, subject to approval of the Commission.

Basic coverage: Public degree and non-degree granting (2-year A.A.)

CT-10

Programs leading to degrees and certificates - public institutions (Section 10-326)

Effective date: 1973 (Senate Bill 1913 repeals Section 10-326 of 1968 supplement to general statutes)

Stated purpose: Grants the responsibility and authority for the operation of the state's public institutions of higher education in the boards of trustees for each public sector, and adds the Board for State Academic Awards.

Basic effect: The Board of Trustees of: (1) the University of Connecticut shall have exclusive responsibility for programs leading to doctoral degrees and post-baccalaureate professional degrees; (2) the state colleges shall have responsibility for preparation of personnel for the public schools, including master's degree programs and other graduate study in education, and for providing liberal arts programs; (3) regional community colleges shall have responsibility for providing programs for college transfer and vocational training leading to occupational certificates or to associate degrees in arts or sciences; and (4) state technical colleges shall have the responsibility for those colleges and programs leading to the degree of associate degrees or certificates as approved by the Commission for Vocational Training. The Board for State Academic Awards shall have the responsibility for the award of external degrees and credits earned by examination and by other forms of validation and by evaluation of learning, provided the authority of the other Boards governing the public sectors to award degrees shall not be affected.

Basic coverage: Public degree and non-degree granting

No further abstract prepared.

CT-02

2. Application (CT-02):

"No...school shall...give instruction...in any trade...or in the theory pertaining thereto, or any instruction which is claimed to qualify an individual for any position for which special occupational training is required, for any remuneration...unless such...school has obtained a certificate from the state board of education authorizing the offering of such instruction."

"The provisions of this section shall not apply to:
    a. schools operated under public supervision and control,
    b. endowed schools not operated for profit,
    c. schools conducted by organizations for the training of employees, or
    d. any school authorized by the general assemby to confer degrees."

3. Coverage (CT-02):

Requirements regarding courses of instruction and qualifications of instructors shall be determined by the State Board of Education, with the advice of the Labor Department.

4. Administration (CT-02):

a. • See 3, above.
b. • Certificates shall not be renewed unless, after inspection, the State Board of Education certifies that the instruction and equipment conform to established standards.
c.
d. • Certificates are renewed annually.
e. • The fee for issuance of a certificate shall not be less than $10 nor more than $100. Renewal fees shall not exceed $100.

5. Enforcement (CT-02):

c. • See 4b above.
d. • Violators of this section shall be fined not more than $500.

CT-02-1

2. Application (CT-02-1):

The rules apply to any school offering special occupational training, instruction, or theory in any apprenticeable trade (32 examples were listed), schools of business and commercial practices, correspondence schools located in the state offering educational services leading to employment in trades requiring special occupational training or apprenticeship, and schools whose purpose is to prepare students for taking examinations required to practice a trade. (pp. 1-2)

Exemptions:

a. "Special occupational training" does not include study applicable to avocations, recreation, or personal development or use pursued for purposes other than gainful employment. (p. 1)
b. The regulations do not apply to schools devoted exclusively to the development of individual talent. (p. 2)
c. Schools with licenses issued before 1 July 1966 shall be deemed to have met these requirements and a certificate of approval will be issued upon payment of the renewal fee. After that, annual renewal shall be made according to these rules. (p. 8)

NOTE: Special provision for resident agent at local branches of out-of-state schools. (See 3d and 5c.)

3. Coverage (CT-02-1):

a.
- The school shall be conducted on a level of educational, professional, and business ethics satisfactory to the secretary of the State Board of Education and the Labor Commissioner. (p. 6)
- Minor fees for services or charges for products of students or instructors may be collected from the public when they facilitate adequate practice. (p. 7)

b.
- Course content shall conform to State Department of Education standards.
- The length of the course shall be sufficient to give effective training in the subjects listed in the course content, and not less than that essential for initial employment.
- Course content shall include instruction in hygiene and safety practices applicable to the occupation. (p. 3)

c.
- Certificates of graduation or certificates covering completion of a specific course shall be issued. Sample copies shall be approved by and filed with the State Board of Education. (p. 4)
- A certificate of written statement of achievement shall be issued to a withdrawing student who requests it. (p. 5)

d.
- Each school shall be supervised by a full-time responsible administrative employee or officer. Branches of out-of-state schools shall have resident agents.
- The director of a school for mechanical or special occupational training shall have completed high school and had 5 years experience in the training area, or completed college and had 3 years of experience.
- The director of a business school shall have a college degree and 3 years experience.
- If the school offers instruction in an area in which the director is not qualified, the department head or supervising teacher shall be qualified. (p. 2)

- Teachers shall be citizens of the U.S., at least 21 years old, of good character and repute, shall hold evidence of at least a high school education and such other evidence of educational competency to persuade an evaluating committee of ability to instruct, and shall have at least 2 years of actual experience or teacher training in the skill or subject taught. (For trade instructors, the minimum experience is 5 years.)
- The school shall hold a recent (within 3 years) statement by a practicing physician attesting to the good health of the employee.
- The average student load for teachers shall not exceed 15 for shop or manipulative work or 30 in theory or business practice subjects. Laboratory or lecture courses in business subjects are excluded. (p. 3)

e.
- School buildings shall comply with all pertinent state and local laws and requirements regarding fire protection, hygiene, floor and air space, ventilation, heat, and light.
- Equipment and facilities available for instructional purposes shall be sufficient in quantity, of excellent quality and recent design, and varied to provide the training specified for the maximum student enrollment in each course.
- A library suitable to the needs of the students and faculty shall be provided and maintained. (p. 4)

f.
- Adequate financial records showing the school's cash receipts, disbursements, assets, liabilities and capital shall be maintained, and their adequacy and correctness shall be certified annually to the secretary of the State Board of Education by a certified public accountant. (p. 6)

g.
- Entrance requirements shall be such that each student may expect to complete the course for which he or she is enrolled. (p. 4)

h.
- At enrollment, the school shall furnish each student a printed document, bulletin, brochure, or catalog giving outlines and descriptions of the curricula offered. The document shall state in clock hours or weeks or months the length of each course and the time allotted for it.
- Requirements for admissions shall be stated in printed form and supplied to each student. (p. 4)
- The school shall publish in its catalog or elsewhere its schedule of tuition rates and methods of payment and shall not deviate from them.
- The school shall furnish information on the cost of necessary books, supplies, etc. to be supplied by the student. It shall state clearly and completely the cost and extra fees which are in addition to tuition.
- Enrollment contracts shall fix the terms of payments for a maximum of 1 year, with reasonable provision for renewal or extension. The contract shall provide for discontinuance before completing the course and provide for the prompt payment of reasonable refunds at the time of the discontinuance or withdrawal.
- At the time of enrollment the student shall receive a complete copy of the enrollment contract and other related documents. (p. 5)

i.
- Field representatives of the school shall be persons of integrity thoroughly familiar with the school and its offerings.
- They shall be furnished with statements of identification showing the limits of their authority and the ethical standards of the school. The statement shall be available for inspection. (p. 3)
- No offer of a premium or special financial inducement for registration shall be made. No school employee shall knowingly solicit students to leave a school or change plans after they have enrolled and paid a deposit.
- Advertising shall be under the name of the school.
- The school shall refrain from exaggeration, misleading statements, or misrepresentation in any kind of advertising. Blind ads and ads in

help wanted columns are prohibited. Illustrations shall relate solely to the particular school or be clearly designated otherwise. (p. 5)

- If endorsements are used, they shall be dated and written evidence of them shall be kept. (pp. 5-6)
- Only regular faculty members shall be named in advertising. If lecturers or demonstrators are mentioned, they shall be so designated. If a course prepared by a well-known person is offered by someone else, it shall be so indicated.
- No school shall advertise that it operates under state supervision.
- Positions and careers shall be advertised only if the school offers instruction enabling students to meet entry requirements.
- Employment opportunities shall be represented exactly as they exist; there shall be no direct or implied guarantee of a position, although the positions in which graduates have been placed may be mentioned. Probable earnings in training fields shall be represented exactly as they are; it is a violation to feature only the highest salaries earned by only a few workers in a field. (p. 6)

j. ● The school shall maintain permanent student records showing entrance credits for previous education and training experience, the dates of admission and withdrawal, reasons for withdrawal, daily attendance, and achievement.

k. ● Financial aid and scholarships may be offered only on the following bases: (1) loans may be granted to worthy students; (2) work or service scholarships may be granted for actual performance of duties and remuneration which is not in excess of the current local rates; and (3) funded scholarships may be granted on the basis of value, number, and source of scholarships as printed in the catalog; or upon written application by a candidate and award by a school official on the basis of a truly competitive or merit procedure. (pp. 4-5)

l. ● See fifth item of 3h.

m. ● Placement activities of a school shall be free of charge to students or graduates. (p. 6) (See the last item of 3i.)

n. ● A uniform system of grading shall be maintained, with students and minors' parents informed of their grades or standing in writing at least once every 3 months. (p. 4)

- The school shall regard as the personal property of the student all books and other materials for which he or she has paid. (p. 5)
- Public liability insurance, property damage, and workmen's compensation insurance in at least standard underwriting limits shall be carried by the school. The liability insurance shall specifically protect students. (p. 6)

4. Administration (CT-02-1):

a. ● The State Board of Education, after consultation with the State Labor Department when joint action is appropriate, shall designate a member of the Department to review original and renewal applications for certificates and visit schools to make reports and recommendations regarding compliance. The Department member may assemble a committee of experts to evaluate, encourage, and promote the improvement of the school. (p. 7)

b. ● See 4a above.

c. ● With the initial or renewal application the school shall furnish a roster of staff members and other employees and shall declare under oath that the list is complete and accurate, that each member listed meets minimum requirements for his or her position. (p. 3)

- The procedures to be used in integrating practical experience with theoretical knowledge, and the names, authors, and editions of principal texts and manuals shall be furnished to the State Board of Education, if requested. (p. 4)
- Any catalog, brochure, bulletin, circular, or advertising statement made in other than media of general circulation shall be submitted with the original or renewal application for certificate.
- Applications shall be made on forms provided and shall be accompanied by such additional information as the Board may reasonably require.
- The application for renewal or approval shall give the name and address of the owner or owners and the manager. If the owner is a corporation, a list of its executive officers and their addresses, the names and addresses of majority stockholders, and the names and addresses of the local manager, the director, and the president shall be filed.
- Renewal applications must show any changes in curriculum, faculty, financial arrangements, management, school operations, location, or any other matter covered by regulations.
- Evidence of insurance (see the last item of 3n) shall be submitted annually to the secretary of the State Board of Education. (p. 6)

d. • Certificates must be renewed annually.

e. • The fee for an original application is $50. Renewal fee is $10. (p. 7)

f.

g. • Certificates may not be sold, transferred, or pledged.
- In the event of the death of the holder of a certificate, the certificate shall become void. (p. 8)

5. Enforcement (CT-02-1):

a. • See 5b below.

b. • Upon complaint and evidence of unethical practice, violation of regulations, abuse of discretionary power, fraud, or subversive conduct, inquiry may be instituted by the secretary of the State Board of Education or the Labor Commissioner or both and a report made to the Board which after a full hearing shall have the power to revoke the certificate or to refuse renewal thereof. (pp. 5-6)

c. • Lack of proper authority on the part of the resident administrator or agent shall be considered sufficient reason for denying application or revoking a certificate of approval. (p. 2)
- Irregularities in the activities of sales representatives or the failure of the school to conduct itself in the public interest by control of sales promotion by its representatives shall be grounds for denial or revocation. (p. 3)
- The existence of an unsatisfied judgment against the school or its owners shall be considered grounds for denial or revocation. (p. 6)

CT-03

2. Application (CT-03):

"No...school...shall confer any degree unless authorized by an act of the general assembly. No application...shall be approved by the general assembly ...nor shall any such authority be included in any charter of incorporation until such application has been evaluated and approved by the commission for higher education.... No person...shall operate a program or institution of higher learning unless it [is operated on a nonprofit basis...and]* has been licensed or accredited...nor shall it confer any degree unless it has been accredited.... No person...shall use...the term "junior college" or "college" or "university"...unless the institution possesses a license...or has been accredited...." (p. 5)

Except:

a. The Commission for Higher Education may, upon receipt of satisfactory evidence of the overall competence and resources of the institution, accept regional or national accreditation in satisfaction of the requirements of this subsection.
b. Accreditation or authority to award degrees granted prior to 1 July 1965 shall continue in effect.
c. If an existing institution adversely affected by this section applies for licensure or accreditation, the Commission may grant licensure on a temporary basis from year to year if reasonable progress is being made toward meeting standards.

NOTE: Special provision above regarding regional or national accreditation.

3. Coverage (CT-03):

The Commission for Higher Education shall establish regulations concerning the requirements for licensure and accreditation covering administration, finance, faculty, curricula, library, student admission and graduation, plant and equipment, records, catalogs, program announcements, and any other criteria as well as periods for which licensure or accreditation may be granted, and the costs and procedures of evaluations.

4. Administration (CT-03):

a. • The Commission for Higher Education may establish an advisory council for accreditation to advise the Commission regarding existing or proposed regulations.
b. • The Commission shall not grant any new license or accreditation until it has received a report of an evaluation by competent educators.

5. Enforcement (CT-03):

d. • Anyone violating any provision of this section shall be fined not more than $1000.

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[*] Bracketed language was deleted by CT-08.

CT-03-1

2. Application (CT-03-1):

   Same as CT-2-1.
   NOTE: Each out-of-state institution planning to establish a branch or offer instruction in Connecticut shall apply for evaluation of its plans. The school must first be accredited to operate in its home state by the appropriate state and regional accrediting bodies. (p. A-5)

3. Coverage (CT-03-1):

   a.
   - The institution's general purposes, chief specific objectives, major activities, and persons to be served shall be definitely and concisely stated. (p. A-8)
   - There shall be a governing board and chief administrative officer whose powers and duties are outlined in writing.
   - In making educational policies and professional appointments, the Board shall consider recommendations of the chief executive officer who shall consider the opinions of faculty and staff.
   - In all phases of its operation, an institution shall conduct its affairs in a professional manner as judged by commonly accepted standards of all accredited institutions. Its catalog, field recruitment procedures, relationships with students, faculty, and public shall bring credit upon it and promote high regard for it among the general public and the academic community.
   - Accreditation shall be granted only to institutions which plan and appear adequately prepared to function for at least 5 years and only to programs for which plans and resources are adequate to assist each enrolled student complete the requirements of the program. (p. A-9)

   b.
   - Students shall at all times be given instruction consistent with the approval of the institution's plans. (p. A-2)
   - The curriculum, staff, facilities, and other features of the institution shall be consistent with its purposes and objectives. (p. A-8)
   - The curriculum shall be provided by an organizational structure, appropriate course content, laboratory and field work, where appropriate, and the offering of general and specialized education with all factors related to the institution's purposes and objectives.
   - The curriculum shall give evidence of continuity and of a well-organized sequence. (p. A-11)
   - All institution's shall provide: (1) well-defined instructional outcomes; (2) systematic planning by teachers; (3) varied types of learning materials and experiences; (4) adaptation of organizational and instructional procedures to students' needs; and (5) use of viable evaluation instruments and procedures. (p. A-12)
   - The institution shall furnish evidence of stability in its educational program. (p. A-10)

   c.
   - Requirements for a degree shall be consistent with current standards, practices, trends, and the purposes of the institution. Guidelines include: associate degree, 60 semester hours of college-level work; bachelor's degree, 120 hours; and graduate degree, minimum courses, and other requirements (e.g., thesis, exams, etc.) currently acceptable in similar institutions. (p. A-13)

d.
- See second item of 3b.
- The chief financial officer shall be qualified to manage the institution's finances and business operations and to understand the educational significance of items in the institution's program and facilities. (p. A-10)
- Each teacher shall have appropriate professional qualifications. Minimum qualifications shall be consistent with those prevailing at other accredited institutions or with the judgment of persons or groups involved in the evaluating and accrediting process.
- The number of hours permitted to faculty for teaching and other responsibilities, as well as the size of classes, shall be such as to permit both effective work and professional growth. Generally no more than 15 semester hours of credit or 25 class hours per week shall be assigned.
- At least one full-time faculty member shall be employed for each major department for institutions operating on full-time basis offering the bachelor's or higher degree. (p. A-11)
- The coordination and direction of library and resource activities shall be the responsibility of personnel with appropriate professional training. (p. A-12)

e.
- See second item of 3b.
- There shall be adequate resources to support the curriculum offerings of the school including audio-visual materials, independent study facilities, laboratories, and laboratory supplies and equipment.
- The library shall be adequate to realize the institution's purposes and objectives. Adequacy shall be determined by the professional preparation and number of staff, the number, variety, up-to-dateness and suitability of books and other materials, the accessibility of materials, seating and space for quiet study, the annual appropriation for new purchases, and the method of selection of new materials which shall include faculty involvement. (p. A-12)
- The buildings, grounds, classrooms, instructional facilities, furniture, equipment, machinery, instructional devices, and other physical requirements shall contribute directly to the achievement of objectives.
- The physical plant shall: (1) be of adequate size to accommodate the students enrolled; (2) be available at appropriate hours; (3) meet safety and high maintenance standards, including cleanliness; (4) meet adequate health standards and lighting; and (5) comply with all local, state, and federal laws particularly with respect to fire, safety, and health and evidenced by current certifications of compliance. (p. A-14)

f.
- Financial resources shall be adequate for the effective achievement of the institution's purposes and objectives and for meeting obligations to staff, students, and others. Institutional financial reports shall be available for review on request by accrediting groups and governmental agencies. The financial reputation of the institution in its community shall be good.
- The financial records of the institution shall be kept in such a form that analysis of its economic status is possible at any time.
- The annual statement shall be audited annually by a public accountant or CPA not otherwise connected with the institution. (p. A-10)

g.
- Only those students whose educational interests are in harmony with its purposes and whose abilities qualify them to pursue pertinent studies shall be admitted.
- Graduation from an accredited secondary school or evidence on standardized entrance examinations shall be required. (p. A-13)

h.
- The ownership, control, type of legal organization of the institution, and names of administrators, officers, and owners shall be publicly stated.
- There shall be full disclosure of the nature and extent of the financial and fiduciary interest of each member of the governing board and the chief administrative officer. (p. A-9)

- The curriculum shall be fully published in the institution's catalog. The subjects offered shall be clearly indicated in units of credit convertible to standard semester or quarter hours. (p. A-11)
- The tuition, other charges, and refund policy shall be clearly stated in the catalog or comparable publication readily available to students and the general public. The existence of any separate publication shall be stated specifically in the catalog.
- There should be information concerning the location of student records. (p. A-13)
- Each institution shall publish a catalog stating: date of publication and table of contents; purposes, objectives, and history of the institution; description of facilities; members of the board of control, the administration, and the faculty; student organizations and activities; calendar; admission and graduation requirements; student services; curricula offered and course descriptions; tuition, fees, and other charges; refund policy; sources of student financial assistance; and room and board accommodations.

i.
- Advertising shall be factual and in good taste and shall meet generally accepted standards for professional conduct. Advertising should lead laymen of reasonable judgment to conclusions that are completely supported in fact. (p. A-14)

j.
- Student records shall include official transcripts of credits earned in secondary schools, college admission records and cumulative records of the results of achievement and intelligence tests, and academic grades in college.
- Alumni records should also include evidence of advanced or postgraduate study and other institutions to which students transfer.
- The official record of students shall clearly show the amounts paid and balance due from them for tuition and other charges. (p. A-13)

k.
- No income of a non-profit institution may be distributed to its members, directors, or officers except for payment for expenses.
- An applicant institution shall clarify whether it will be operating on a non-profit or proprietary basis. (p. A-10)
- Sufficient budgetary support shall be available to ensure continuous growth of the library collection and adaptation of library resources to student needs. (p. A-12)
- The schedule of charges shall be uniformly administered to all students. (p. A-13)

l.
- See fourth item of 3h.

m.

n.
- Appropriate allowance of credit to students for similar subject matter previously mastered on a postsecondary level may be given and is encouraged. (p. A-11)
- The institution should have procedures for encouraging adequate student usage of the library. (p. A-12)
- Student personnel policies shall assure services adequate for assisting students to analyze and understand their problems and to adjust to the life and work of the institution and shall include counseling on educational, health, financial, vocational, and other personal problems. (p. A-13)
- Adequate provision shall be made for students to confer with teachers and guidance officials outside of class, and for faculty members to confer together and with administrators. (p. A-11)

4. **Administration (CT-03-1):**

a.
- Officials of an institution shall apply to the Chancellor of the Commission for Higher Education for an evaluation. (p. A-2)
- The standing committee (of the Commission) may recommend that an evaluation visit be postponed until plans are more thoroughly developed. (p. A-3)
- All members of the evaluation committee shall be jointly appointed by the official responsible for licensure and accreditation in the office of the Commission and the chairman of the standing committee. (p. A-6)

b.
- Plans required for licensure (see 4c) shall be examined and evaluated, usually accompanied by an on-site visit.
- If necessary, the institution will be visited by an interim evaluation committee during its first year of operation. (p. A-3)
- Re-evaluations and re-accreditations shall be required throughout the institution's first 12 years and may be required for a further period if necessary.
- When continued success of the institution seems assured, it shall receive "continuing accreditation" for a period of 5 to 10 years and be re-evaluated at appropriate intervals, preferably in joint evaluations with the New England Association.
- An institution or program may be re-evaluated at any time for a due cause whenever it appears that it may not be operating effectively, or in good faith. (p. A-4)
- If an institution plans to make substantive changes in its purpose or degree programs, it may be visited prior to the offering of the program. If the plans are approved, the program or school shall be further evaluated and re-evaluated for licensure or accreditation for a period of 6 years or until at least three evaluations have been completed. (p. A-5)
- An eligible out-of-state institution shall be subject to a formal evaluation if: (1) it plans to offer annually either 180 or more class hours or 12 or more semester credit hours of institutional instruction in Connecticut; or (2) the instruction to be offered in Connecticut was not a significant part of the institution's offerings at the time of its last accreditation evaluation by the appropriate regional accrediting association. (pp. A-5 - A-6)
- When feasible, an institution shall arrange for simultaneous evaluation of its program(s) by all appropriate licensing and accrediting bodies. (p. A-4)

c.
- Initial plans for a new institution or for a substantive change in offerings shall be carefully and thoroughly developed, usually with use of consultants, and delineated in a detailed, written request for licensure. When consultants are used, the applicant may be requested to list them, describe the nature and duration of consultations, and produce a written report concerning the nature and substance of the written advice provided by consultants. (p. A-3)
- Plans must be submitted when accredited institutions desire to add new degree programs or schools. (p. A-5)
- A progress report during the first year of operation is required. (p. A-3)

d.
- If the plans of an institution applying for licensure are found inadequate, initial licensure for a period of 2 years may be granted on the provision that plans, as submitted, along with any stipulation by the Commission for their modification be conscientiously implemented.
- After the re-evaluation at the end of the institution's first year of operation, accreditation for 2 to 3 years may be granted. (p. A-3)

- See fourth and sixth items of 4b.
- If ownership or management of an institution is shifted, licensure or accreditation shall be reviewed within 2 years of the date of transfer. (p. A-10)

e. • Expenses of evaluators plus a fee for an out-of-state evaluator shall be paid by the institution. (p. A-8)

f. • See first item of 4d.

5. Enforcement (CT-03-1):

a.

b.

c. • If plans or changes are disapproved, all operation of and publicity concerning them shall cease without delay. (p. A-5)
- If the interim evaluation shows the institution or program to have insufficient promise, all publicity for it shall cease and plans shall be made either to cease operation at the end of the current academic year or make necessary improvements. (p. A-3)

d. • In addition to the penalties listed in CT-03, failure to comply with licensing or accreditation provisions will cause the institution to be removed from the Commission list of licensed and accredited schools. This action shall be published through the press and through correspondence with colleges and secondary schools in Connecticut and with appropriate state, regional, and national accrediting agencies. (p. A-6)
- See both items of 5c.

CT-07

2. Application (CT-07):

Private institutions are controlled through the licensing and accreditation functions of the Commission. Approval authority for alternative and non-traditional approaches such as external degrees and credit by examination is added through this 1973 amendment. The Commission shall: (1) promulgate regulations which establish categories of plans for expansion and the development of institutions within its jurisdiction which require approval or coordination by the Commission; (2) be responsible for licensing and accreditation of programs and institutions of higher learning; (3) make an impartial assessment of legislative proposals and budgetary requests for higher education and make recommendations to the Governor and the General Assembly; and (4) comment and recommend on adoption of salary schedule and job classification changes proposed by boards and trustees of public institutions. (p. 3)

3. Coverage (CT-07):

j. ● The Commission for Higher Education shall be responsible for the care and maintenance of permanent records of institutions of higher education dissolved after 1 September 1969.

CT-09

2. Application (CT-09):

Credits toward Associate in Arts or in Science degrees can be awarded to candidates for courses successfully completed at regionally accredited or state licensed institutions, military service courses, accredited courses offered by non-collegiate organizations, and by proficiency examinations of knowledge gained by experience or independent study.

NOTE: Procedures to earn a degree are described in Information Booklet from the Board for State Academic Awards.

3. Coverage (CT-09):

a. ● The Board shall provide programs of higher education through alternative modes of service, which shall include guidance and information services, registration and validation services, examination and degree granting services, technological delivery systems, and projects of research and development.

b.

c. ● The Board shall confer such certificates and degrees as are appropriate to programs of postsecondary learning in accordance with recommendations of faculty of examiners, on the basis of examination, and other forms of validation and evaluation of learning, including transfer of credit.

d. ● The Board shall establish through appointment on an adjunct basis a faculty of examiners to recommend requirements and standards of the

Board's programs, and to make recommendations for the award of academic credits and degrees. Members of the faculty shall have appropriate professional qualifications as determined by the Board.

e.

f.

g.

h.

i.

j.

k. and l. ● The Board shall fix fees for examinations, subject to Commission approval, and may make refunds as provided by law or regulation.

DELAWARE

1. Identification:

DE-01 and DE-01-1

Private business and trade schools in Delaware. Delaware Code, Title 14, Chapter 85 and Rules and Regulations of the Delaware State Board of Education. (Text of the rules and regulations is integrated into appropriate sections of the statute.)

Effective date: 1972

Stated purpose:

Basic effect: Requires a certificate of approval to conduct a private business school and an agent permit to represent such a school.

Basic coverage: Private non-degree granting (including correspondence schools)

DE-02

Laws of Delaware, Title 8 - Corporations, Chapter I - General Corporation Law, subchapter II - Powers, Section 125 - Conferring academic or honorary degrees

Effective date:

Stated purpose:

Basic effect: Requires that in order to confer degrees, the certificate of incorporation as an institution provides for this and that the certificate is endorsed with the approval of the State Board of Education.

Basic coverage: Private degree granting

DE-02-1

Policies, Standards, and Procedures for approving Degree Granting Institutions of Higher Education

Adopted: 14 June 1972

Stated purpose:

Basic effect: Sets forth standards an institution must meet to gain approval and describes procedure to achieve recognized applicant, provisional approval, and full approval status.

DE-03

Title 14, Education; Part I, Free Public Schools; Chapter I, State Board of Education, Section 122

Effective date: 14 June 1972

Stated purpose:

Basic effect: Authorizes the State Board of Education to prescribe rules and regulations "...governing the issuance of certificates and diplomas from public schools of the State, and, in cooperation with the President of the University of Delaware, the minimum requirements for issuing all academic, normal school, collegiate, professional or university degrees by such institutions as are not authorized by law to determine such requirements." (p. 1)

Basic coverage: Public degree granting

No further abstract prepared.

DE-01

2. Application (DE-01):

"No person, partnership or corporation, whether its main office be located within or outside the state of Delaware, shall conduct a private school or classes...or instruct individuals in business or trade subjects...without having been issued a certificate of approval by the Board." (p. 3) "Prior to the establishment of a...school and the issuance of a certificate of approval...no person shall advertise such a school or solicit prospective students...unless such person has applied for and received from the Board authorization to conduct such an activity." (p. 12)

The offering of courses usually associated with business training schools, trade schools, specialized skill training schools or institutes, or other related subjects identifies regulated schools. Tuition may or may not be charged. (p. 1)

Exemptions:

a. Delaware schools which were approved by the State Board of Education in compliance with Delaware Code, Title 8, Section 125 (DE-02), prior to the enactment of this chapter.
b. Apprenticeship or training programs offered for employees or prospective employees or by labor organizations or associations of employees for their members. (p. 18)

3. Coverage (DE-01):

a.

b.

c.

d. • See 5c, item 1, point 8.
e. • See 5c, item 1, point 6.
f. • As a commitment contained in applications for certificates of approval, the school must agree to provide a surety company bond for the protection of the contractual rights of students in such form and amount, not to exceed $25,000, as will meet Board approval. Bonds shall be deposited with the Secretary of State. (p. 5)
- See 5c, item 1, point 8.

g.
h. • Binding refund commitments must be included in student applications, contracts, or agreements. (p. 6)
i. • As an application commitment, schools agree that all advertising and solicitation will be free from misrepresentation, deception, fraud, and that no fraudulent or deceptive statements shall be made as to possible future employment opportunities or wage expectations. (p. 7)
- Agent permits are required. Applications for them shall contain evidence of the honesty, truthfulness, and integrity of the applicant. (See 4c.) (p. 9)
- See 5c, item 1, point 8.

j.

k. • During the 30-day grace period (see 31 below) the school must agree, as an application commitment, that it will not discount any evidence of indebtedness given by a student application or in any other way place such evidence into the hands of a holder in due course. (p. 7)

l. • The refund commitment (see 3k) is to refund at least 95% of any fee or tuition payable in advance, if an applicant decides for any reason to cancel an enrollment contract as evidenced by a written notice forwarded by prepaid registered mail within 30 days from the date of the contract. (p. 6)

4. Administration (DE-01):

a. • The State Board of Education* shall make and enforce rules and regulations necessary for the proper administration and enforcement of the Act.
   • The Board provides for the review of applications and issues certificates of approval and agent permits. (pp. 3, 11, 12)
   • The State Superintendent of Public Instruction in his capacity as Executive Secretary of the Board shall appoint an Advisory Committee to advise the Board in regard to policies concerning the conduct of private business schools. (p. 2)

b. • "A person, partnership, or corporation shall be qualified to receive a certificate of approval...whose school, after an examination conducted under the direction of the Board, is approved...." (p. 3)
   • As an application commitment, the school agrees [illegible] permit the Board to inspect the school or its classes from time to time, and to make available at any time information pertaining to the activities of the school required for the administration of this Act. (p. 7)

c. • Information required by applications for certificates includes: (1) the title or name of the school together with its ownership and controlling officers; (2) the specific fields and courses of instruction to be offered; (3) the place or places of instruction and a description of the physical and sanitary facilities; (4) a specific listing of equipment available for instruction in each field and course; (5) the educational and teaching qualifications of instructors and supervisors; and (6) the financial resources available to equip and maintain the school. (p. 5)
   • See second item of 4b.
   • A supplementary application is required for approval of additional fields or courses. (p. 8)
   • Applications for agent permits shall be made on forms provided by the Board and shall state the name of the school to be represented, contain evidence of the honesty, truthfulness, and integrity of the applicant, shall be verified under oath by him, and shall be accompanied by the recommendations of two reputable persons, certifying that the applicant is truthful, honest, and of good reputation, and recommending that he or she should be granted an agent permit. (p. 9)

d. • Certificates and permits are renewed annually during December. (p. 11)

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*DE-01 and DE-01-1 were "By Dr. Elizabeth C. Lloyd, Director, Teacher Education and Professional Standards," and carry the logo of the Department of Public Instruction. It may be that the State Department of Public Instruction reviews applications and makes recommendations to the Board. (See pp. 4a and 17.) (A general information document that was not cataloged indicates that the Department of Public Instruction is authorized by the Legislature to require bonds of schools. The same document notes that advertising must conform to standards set by the State Division of Consumer Affairs.)

e. • Fees for certificates are set by the Board.
- No fee is charged for a supplementary application.
- Fees, charges, or fines shall be deposited to the General Fund. (p. 8)

f. • Temporary approval for one year shall be granted to institutions established and offering classes prior to the Act or to those incorporated in Delaware without authority to grant a degree. During that time, schools shall take the steps necessary to comply with the chapter. No extension of the temporary authorization shall be granted except to allow for review and analysis by the State Department. (p. 17)

g. • Any applicant seeking incorporation to conduct a private business or trade school must first seek approval in accordance with this chapter. The Board shall notify the Secretary of State of such approval. (p. 17)
- The Board shall maintain, open to public inspection, a list of approved schools and may annually publish the list. (p. 3)

5. Enforcement (DE-01):

a. • The Board is authorized to subpoena and bring before it any person in the state and to take testimony, either orally, by deposition, or by exhibit. It may require the attendance of witnesses and the production of relevant books and papers at any hearing it is authorized to conduct. (p. 14)
- See first item of 4a.
- The State's Attorney for the county where offenses are committed shall prosecute all persons violating the provisions of this Act upon proper complaint.
- The Superior Court shall have exclusive jurisdiction of violations of this chapter. (p. 16)

b. • The Board may, upon its own motion, and shall, upon the verified complaint in writing of anyone setting forth facts which, if proved, would constitute grounds for refusal or revocation, investigate the actions of applicants for or holders of certificates or permits.
- Before proceeding to a hearing on whether to refuse or revoke a certificate, the Board may grant a reasonable time to correct the situation. No further action will be taken if the correction is made. (p. 14)
- The Board provides a stenographer to record the proceedings at hearings. The record of hearing includes all documents associated with it (e.g., notice of complaint, pleadings, written motions, testimony, report, and orders of the Board). A transcript of a hearing shall be furnished to anyone willing to pay for it.
- In the case of a refusal or revocation, a copy of the Board's report shall be served upon that respondent. Within 20 days, a motion for a rehearing may be presented. If the motion is denied or there is no motion, the chairman may enter an order in accordance with recommendations of the Board. (p. 15)

c. • The Board may refuse to issue or renew, or may revoke a certificate of approval or a permit: (1) for violation of any provision of this Act or any rule or regulation; (2) for furnishing false, misleading, or incomplete information or failure to furnish information; (3) if any person who signed an application has entered a plea of nolo contendere, been found guilty of any crime involving moral turpitude, is found to be addicted to a narcotic drug, or who has been found mentally incompetent; (4) for violation of any application commitment; (5) for presenting to prospective students false, misleading, or fraudulent information relating to the school, employment opportunities, or enrollment opportunities in higher education; (6) for failure to provide or maintain premises or equipment in a safe and sanitary condition as required by law; (7) for refusal by an agent to display his permit; (8) for failure to maintain financial resources adequate for the satisfactory conduct of the courses of instruction offered or to retain a sufficient and qualified instructional and administrative staff; (9) for instructing in a course or field that has not been approved; and (10) for refusal to admit applicants solely on account of race, color, creed, age, or sex. (p. 13)

- Any unlawful act or violation by an agent or employee shall not be cause for revocation of the certificate of approval unless one or more of the controlling officers, members, or managing employees had guilty knowledge thereof. (p. 16)
- An applicant for a certificate or a renewal who is refused may appeal for a hearing before the State Board of Education in accordance with sections of the Delaware Code and related regulations of the Board. (pp. 14, 19-21)
- Any person affected by a final administrative decision of the Board may have such decision reviewed judicially by the Superior Court of the county of residence. (p. 16)

d.
- See first item of 3f.
- See last item of 5b.
- The Board has the right to seize a revoked certificate or permit that the holder has failed or refused to surrender.
- If any school should fail to provide the services called for in a contract or agreement as determined by the Superior Court of Delaware, the school's bond shall be forfeited and the proceeds distributed by the Board. (p. 15)
- See the last item of 5c.
- Persons violating the provisions of this Act shall be punished by a fine not to exceed $500 or by imprisonment not to exceed one year, or both. Corporations are punished by fines up to $1000. Officers, agents, or members of corporations, co-partnerships, or associations shall be subject to the penalties prescribed for individuals. (p. 16)

e.
- At any time a certificate is denied or revoked by the State Board, the applicant shall no longer be authorized to conduct classes despite other provisions of a Corporate Charter. (p. 17)

DE-OT-1

2. Application (DE-01-1):

"No agent shall perform the function of his assignment and solicit Delaware enrollees in the institution until he has been issued the appropriate identification permit...." (p. 10)

Institutions covered by this section shall include correspondence schools. Correspondence courses offered as post high school courses in trade or business subjects, and high school introductory courses, such as Typing I, shall be included without regard for the age or prior educational attainment of the student. (p. 1)

Multicurricular school programs leading primarily to a wage earning capacity require certification.

Agents soliciting students in Delaware must be registered and identified even though the institution represented does not conduct classes in Delaware. (pp. 2,3)

NOTE: On-site evaluation of an institution may be waived by the State Superintendent of Public Instruction if the institution is accredited by a regional or national accrediting association recognized by the State Board of Education.

NOTE: A similar waiver may be issued if the institution is certified by the State Education Agency of another state. The waiver may be set aside if complaints from Delaware applicants so warrant. (p. 4)

3. Coverage (DE-01-1):

a.

b.

c.

d.

e.

f.
- A surety bond of $25,000 will be mandatory until the applicant presents information justifying a lesser bond. Lesser bonds are determined on a schedule based on the amount of tuition collected (e.g., tuition collected up to $5,000, bond = $5,000; tuition from $5,001 to $10,000, bond = $10,000; tuition from $10,001 to $15,000, bond = $15,000; etc.). It is the responsibility of the school to adjust its bond at the time of renewal application. (p. 6)

g.

h.

i.
- If an owner of an institution is to serve as his or her own agent, he or she must obtain a permit, although the separate fee will be waived. (p. 10)
- All advertising of an institution subject to this section shall be in accordance with the Statutes, Rules, and Regulations for advertising as supervised through the Department of Community Affairs and Economic Development Division of Consumer Affairs. (p. 12)

j.

k.

l.
- Any law of Delaware that provides for a "cooling off" period during which the purchaser of a product or a service may withdraw from an agreement to buy shall be applicable. The period of 30 days (see 31 of DE-01) shall begin upon the effective date of the contract or after the "cooling off" period, whichever is later. (The "cooling off" period for Delaware is three business days.)
- The 30-day provision and "cooling off" period rules apply to correspondence schools. Materials must be returned undamaged and unused within the 30-day period, or the institution may deduct their wholesale cost from the refund. (p. 7)

4. Administration (DE-01-1):

a.
- The State Superintendent of Public Instruction appoints evaluation teams of at least three persons. (p. 4)
- A system will be devised to allow an institution to first seek a certificate, and then submit its bond to the Secretary of State along with a receipt or recognition form that will be transmitted to the State Department of Public Instruction. (p. 6)

b.
- An on-site evaluation may be required by the State Board of Education of any institution applying for a certificate. (p. 3)
- See 4a, item 1.
- See possible waivers of evaluation noted in Section 2.
- A certificate may be issued to a new institution that is in operation. In this case, on-site evaluation shall be required for renewal of the certificate. (p. 4)

c.
- An application for an agent permit must be accompanied by a notarized verification of employment from the institution represented.
- The discharge or resignation of any agent shall be reported immediately to the State Board. (p. 10)

d.
- On-site evaluations at the expense of the institution shall not be demanded by the State Board more frequently than each fifth year, except in cases of proposed suspension or revocation of the certificate. (p. 4)
- Agents shall apply for certificates each year at the same time the institutions they represent apply. No permit shall be issued for a period of more than 12 months. (pp. 9-10)

e.
- The filing fee for new institutions is $100.
- Renewal fee is $50.
- Costs associated with on-site evaluations, agent permits, conduct of hearings, or preparation of transcripts shall be the responsibility of the institution. (p. 8)
- Original agent permits cost $10. Renewal fee is $5. (p. 9)
- Agents must also pay $3 to the Department of Motor Vehicles for their pocket card. (p. 11)

f.

g.
- The State Board shall periodically publish a list of approved accrediting agencies acceptable for consideration of a waiver. (See Section 2.) (p. 4)
- In January and August each year, the State Superintendent of Public Instruction shall publish a list of private business and trade schools reviewed by the State Department of Public Instruction and recommended to the Board for approval. The list shall include at least the following

categories: (1) schools approved for the current calendar year; and (2) schools disapproved, with a distinction between schools disapproved for initial inclusion and those for which approval has been revoked. The list may also include schools known to exist in Delaware but not included within the jurisdiction of this Act and thus not eligible for approval or disapproval. The list shall be available to anyone and shall be distributed at least to news media, the Superintendent of Schools, high school principals and guidance counselors in all public and non-public high schools, general administrative officials and the administrators of the placement services of Delaware institutions of public instruction, and a list of industrial personnel, employers, employment agencies, and others who wish to be on the list, or that the Superintendent of Public Instruction judges should be aware of the list. (p. 4a)

- To the extent that any situation warrants, the State Board shall be responsible for publicizing the discontinuance of any certificate or permit. (p. 10)

5. Enforcement (DE-01-1):

a.

b.

c.
- Failure to pay any renewal fee or cost within 30 days may be cause for suspension or revocation of a certificate. (p. 9)
- The discontinuance of the certificate for any cause shall make invalid all agents' permits for that institution. (p. 10)
- The cause for refusal to issue, renew, or to revoke a certificate or permit based on refusal to admit an applicant solely on account of race, color, creed, age, or sex is extended to include "national origin" or any other provision of the U.S. Civil Rights Act of 1964 as amended, or any State of Delaware Statute relating to the rights of an individual. (p. 15)

DE-02

2. Application (DE-02):

"No corporation organized after...1945...shall have power to confer academic or honorary degrees unless the certificate of incorporation or an amendment thereof shall so provide and unless the certificate...or amendment...prior to its being filed in the office of the Secretary of State shall have endorsed thereon the approval of the State Board of Education...." Corporations organized before 1945 must receive Board approval to amend their certificates.

3. Coverage (DE-02):

Approval shall be granted only when it appears to the Board that the corporation is engaged in conducting a bona fide institution of higher learning, giving instruction in arts and letters, science, or the professions; or that the corporation proposes, in good faith, to engage in that field and has or will have the resources, including personnel requisite for the conduct of an institution of higher learning.

DE-02-1

2. Application (DE-02-1):

Institutions not fully established apply for "Recognized Applicant" status which does not provide the right to grant degrees. They must submit plans or materials related to all standards.

When an institution is in operation it may petition for "Provisional Approval" valid until its first class graduates. Additional material relating to performance standards is required. (p. 3)

For "Final Approval" status an institution must meet the minimum standards summarized later, and in certain cases, specialized criteria of an appropriate accrediting or approving agency.

NOTE: Non-profit institutions must apply for regional accreditation within a minimum of two years from date of initial operation.
NOTE: Proprietary institutions must seek accreditation from the appropriate national accrediting body within two years. (p. 4)

If evaluations are scheduled to coincide and the State Department of Public Instruction has a representative on the evaluation team, the Board may accept the approval of a regional accrediting agency in lieu of a separate evaluation for final approval or the five-year period review. (p. 26)

3. Coverage (DE-02-1):

a.
- Broad purposes or goals of the institution must be well defined, including reasons for the existence of the institution in its community. Purposes should reflect the types of students accepted in various programs. (p. 6)
- The organizational pattern of the institution should be clearly defined and related to its purposes.
- There should be evidence that the governing board is aware of the purposes of the institution, is working toward their fulfillment, and is striving to anticipate future needs.
- The functions and responsibilities of the board should be clearly defined in the Bylaws.
- The board should be moderate in size (between 9 and 25 members), represent different views and interests, be selected from interested and willing persons, and be appointed or elected for regular and overlapping terms long enough to be of real service but not indefinite. The large majority of members should be other than salaried administrators.
- There should be evidence of established channels of communication between the governing board and the administration and faculty and of the means developed for cooperative planning and appraisal. The delegation of authority and responsibility to administration and faculty should be clearly delineated.
- There should be evidence that the administration has the necessary time and assistance to enable members to discharge their duties efficiently. Assigning multiple functions to one person or assigning administrative work as an extra duty to full-time faculty is evidence of administrative inadequacy.

- There should be evidence that the administrative staff is aware of its three major functions.
- There should be definite policies concerning academic freedom, tenure, retirement, pensions, leaves of absence, sick leave, determination of rank and promotions, incentives for retention, and professional development of the faculty, administration, and professional staff. (pp. 7-8, 15)
- There should be a faculty organization to carry out an in-service professional development program. (p. 15)

b.
- An institution must present a well-defined statement of the specific objectives for the students both generally and in each program area. (p. 6)
- The curriculum and all other experiences should be designed to meet the specific purposes of the institution; the institution should be concerned with the total growth of the student as an individual.
- The number and variety of curricula should be determined by the purposes of the institution, the size of the student body, and available personnel and resources. Doing a few things well is better than undertaking too many specialities; however, curriculum design should be broad enough to allow for individual differences and interests.
- All curricula must evidence recognition of the relationship between broad education and the acquisition of skills and techniques.
- The means should exist for continuous evaluation of the curriculum by the faculty and for modifying it when necessary.
- In a junior college, transfer and career programs should include a block of courses in liberal education. Two-year transfer programs should not be matched exactly to the programs in a specific receiving college. They should be developed according to stated objectives and are expected to contribute to students' overall development as well as prepare them for employment. A minimum of 40% of the program in general or liberal education is recommended. (pp. 16-17)
- The institution must describe its means for assessing the degree to which it achieves its stated purposes and objectives in so far as this is measurable. Plans should include standard tests, a study of graduate or transfer students in receiving schools, and a long-term study of the achievements based on data gathered periodically and systematically. (p. 22)

c.
- Degree requirements for each curriculum and graduation requirements should be clearly stated. (pp. 16, 18)
- To grant an associate degree, an institution must require at least 60 semester hours, allow no credit for courses not passed, and require a 2.0 average (or clearly specify another index). Credit hours should be determined in line with nationally recognized standards.
- To grant a baccalaureate degree, 120 semester hours, and at least a 2.0 overall average shall be required.
- Stated requirements do not preclude schools from experimenting with or using other means of evaluating success or progress. (p. 18)

d.
- Business management should be under the direction of a responsible, bonded financial officer. (p. 9)
- The student personnel program should be directed by a professionally trained person. (p. 11)
- The admissions office should be adequately staffed to carry out admissions policies and procedures. (p. 12)
- Faculty members should be adequately prepared by both training and experience in the specific area of the teaching assignment.
- Several faculty members, especially department chairmen, should have doctoral degrees and all others should have master's degrees from recognized graduate or professional programs. It is expected that they will

have graduate course credits in the fields they teach and that the level of preparation will increase with the level of teaching assignment.

- In some junior colleges, the academic requirements might be slightly lower, but at least half of the faculty teaching second-year courses must have a master's, LLB, CPA, or other professional equivalent. (p. 14)
- As part of the in-service professional development program, there should be an orientation for all new faculty, periodic evaluation, and critique of instructional methods and perhaps research accomplishment.
- Normally, teaching loads should be no more than 15 credit hours.
- If faculty serve as advisors, they should be fully informed about degree requirements, transfer regulations, and other specific professional requirements. (p. 15)
- The catalog must show evidence that the institution is managed by educationally competent and morally responsible persons. (p. 23)

e.

- Facilities should be suitable for their specific purposes, convenient for advisement and scheduling, and should promote the highest standards of learning, health, and personal welfare.
- If possible, faculty members should have separate offices.
- Beginning or expanding institutions should have well designed plans. (p. 19)
- The institution must provide library facilities adequate to the effective realization of its stated educational objectives.
- Physical library facilities should be conducive to the frequent and effective use of collections and allow for seating of from one-fourth to one-third of the student body.
- Professionally trained staff adequate to the size of the student body should administer the library program with support from non-professionals, clericals, and student.
- For a junior college, a minimum of two professional library staff should serve a student body of up to 500 students; for a four-year institution, at least three professionals should be on duty at all times.
- The book collection should be up-to-date with volumes selected for each curriculum. In professional or technical libraries, there should be works that encourage cultural breadth and intellectual vision as well as specialized collections. General education programs should be supported by volumes from specialized fields. (p. 20)
- Delaware standards require following the size and quality recommendations for library collections of the American Library Association--for junior colleges up to 1000 students a minimum of 20,000 volumes, and 50,000 volumes for a senior college of up to 600 students with 10,000 volumes for each additional 200 students--or the recommendations of an appropriate professional association.
- Other factors such as space for study and leisure reading, accessibility of a variety of materials, money appropriated and method of selection for new books, hours the library is open, and the system for organizing and cataloging the collection will be considered. (p. 21)

f.

- The institution must demonstrate financial resources adequate for the effective accomplishment of its announced purposes.
- There should be a minimum of $500,000 for an adequate reserve in unencumbered funds for a beginning private four-year institution.
- Financial statements should reflect clearly the sourses of income, categories of expenditure, and the profit or non-profit status of the institution, showing nature and amount of indebtedness, how incurred, and the provision for amortization.
- Financial statements should indicate agreement to provide a surety company bond.

- An operating statement and proposed balance sheet for the fiscal year and a budget summary for each present fiscal year must be presented, comparable in detail to those prepared for trustees.
- Information should be available on the annual surplus or deficit at the end of the past five fiscal years. (p. 9)

g.
- The institution should have a clearly stated selective admission policy which is appropriate to the institution's purposes and organization.
- The institution must follow its policies and procedures.
- Graduation from an accredited secondary school or other recognized standard (GED) should be required for admission.
- The institution should be able to supply evidence to demonstrate that it selects students qualified to pursue successfully the programs for which they were admitted. If marginal "risk" students are accepted under flexible and experimental standards, there should be information supporting their potential. Follow-up studies to evaluate whether the risks were worth taking and the effects on other students should be done. (pp. 12-13)

h.
- The catalogs and all other announcements must give an accurate description of the actual offerings of the institution.
- The catalog should include: (1) identification data; (2) names of the institution, the governing board, and the administrative staff and faculty showing earned degrees and the institutions granting them; (3) complete calendar for the academic year; (4) statement of accredited and approved status; (5) statement of the origin and objectives of the institution; (6) admission and graduation policies and requirements; (7) detailed schedule of all fees and other charges as well as refund policies; (8) information on scholarship funds; (9) description of the institution including buildings, grounds, and equipment; (10) list of degrees conferred and requirements for each degree; (11) outline of each curriculum, a description (including prerequisites) of each course offered during the period covered by the catalog, and an indication of courses offered at other times; and (12) number of weeks of instruction per semester and of class meetings per week. (p. 23)

i.

j.
- The files of applicants for admission should contain their complete school record including courses, grades, and other information properly signed by the high school principal, guidance officer, or other school official. (p. 12)

k.
- An institution's income must be expanded as to provide equitably for instruction, administration, maintenance, equipment and supplies, library, and student activities.
- The budget should be prepared and supervised in accordance with sound financial and educational practices.
- The general aspects of business administration and the principles of accounting and reporting shall adhere to the standards published by the American Council on Education in the current edition(?) of College and University Business Administration. (p. 10)

l.
- See 3d.

m.

n.
- An institution should provide evidence of an adequate student personnel program. (p. 11)

4. Administration (DE-02-1):

a.

- Requests for approval to incorporate and to grant a degree are made to the State Board of Education through its secretary, the State Superintendent of Public Instruction, who assigns personnel in the State Department of Public Instruction to execute the approval procedures.
- The Superintendent shall appoint an evaluation committee composed of persons from the Department, the University of Delaware, and others to advise the Board and applicant institution from the time of application through final approval. (p. 27)

b.

- Upon the review of application materials the committee recommends whether or not to grant "Recognized Applicant" status to the institution.
- Near the end of the first full year of classes the institution files a progress report and the committee makes an on-site visit to verify contents of the report and evaluate progress to date. The committee recommends withdrawing approval, continuing Recognized Applicant status, or granting Provisional Applicant status.
- If Recognized Applicant status is continued, a second progress report and on-site visit no later than the end of the second full year is required.
- One or two years following the graduation of the first class from the institution, a third report and visit are scheduled to result in final approval. (p. 23)
- Fully approved institutions must file progress reports periodically and may receive visits. (p. 25)

c.

- See 4b regarding progress reports.
- The institution must present a definite statement, including an organizational chart, of its administrative structure and a description of the functions and interrelationships of its governing board, advisory board, the president and his administrative staff, and the faculty. (p. 7)
- To become a "Recognized Applicant" an institution must complete the questionnaire "Application for Delaware State Approval."
- Recommendations of the evaluation committee will be made for changes in or additions to this information that are necessary for consideration for Provisional Approval. (p. 24)
- Provisionally and fully approved institutions shall keep the Board informed of any changes in the facts presented in their applications. (p. 26)

d.

- The status of Recognized Applicant may be valid for one or more years. It may be extended annually until Provisional Approval has been granted. (p. 3)
- Provisional Approval status is retained until after the first class has been graduated. An institution must seek full approval within a minimum of two years following the first graduation. If it does not receive full approval within four years, all approval may be withdrawn.
- Fully approved institutions retain such status no longer than five years. (p. 24)

e.

- All costs related to evaluation and approval are the responsibility of the school. (p. 30)

f.

- See 4b and 4c regarding Recognized Applicant and Provisional Approval status.

g.

- If the visit for final approval is scheduled for about the same time as an accreditation visit, a favorable report of the accrediting agency may be accepted in lieu of a separate report and visit of the evaluation committee. (p. 29)

5. Enforcement (DE-02-1):

a.

b.

c.
- If a Provisionally Approved institution does not receive full approval within four years after the first graduating class, the Board may withdraw all approval and inform the Corporation Division of the State of Delaware that the section in the Charter for the institution which refers to the right to confer degrees is no longer valid. (p. 25)
- If approval is denied at any of the three major steps, the institution shall have the right of appeal to the Board. (p. 29)

d.
- Bonds are for the protection of the contractual rights of students. (p. 9)

DISTRICT OF COLUMBIA

1. Identification

DC-01

D.C. Code, Title 29, Sections 415-519 - License to confer degrees

Dated: 1966

Stated purpose:

Basic effect: Requires a license to confer degrees.

Basic coverage: Private degree granting

DC-01-1

Policies and procedures relating to the licensing of institutions which confer degrees

Adopted: 11 December 1968

Stated purpose:

Basic effect: Establishes policies and procedures by which applications for a license to confer degrees will be judged and by which institutions already licensed will be evaluated.

DC-01-2

Board of Higher Education Resolution No. L-17 regarding requirement of licensee commitment to equal opportunity policy in admissions and employment

Final approval: February 1974

Stated purpose: "To continu[e]...affirmative efforts to assure equal opportunity to all persons regardless of race, color, sex, religion, or national origin,...."

Basic effect: Requires applicants and licensees to establish and affirm their equal employment opportunity and admissions policy without regard to the factors listed above.

No further abstract prepared.

DC-0X-1*

Title 5GG - Licensing of Proprietary Schools

Promulgated: October 1971

Stated purpose: "...to establish licensing requirements for proprietary schools...and for all agents...to protect prospective and enrolled students from unscrupulous and financially irresponsible proprietary schools and to assure...that...promotional material...is accurate and honest." (p. 1)

Basic effect: Requires a license to operate a proprietary school and an agent's permit to act as an agent for a proprietary school located in or out of the District.

Basic coverage: Private non-degree granting

DC-02

The District of Columbia Public Postsecondary Education Reorganization Act Amendments (D.C. Law No. 1-36)

Effective date: November 1975 (Title I and Section 202); all other provisions, 2 January 1976

Stated purpose: "...to authorize a public land-grant University through the reorganization of the existing local institutions of public postsecondary education...and...that the University provide a range of programs, studies and degrees designed to reach...the citizens...including career and technological education, liberal arts, sciences, teacher education, and associate, graduate, postgraduate and professional degrees and studies." (pp. 1-2)

Basic effect: Designates the Board of Trustees as the governing body authorized to establish or approve policies and procedures governing admissions, curricula, programs, awarding of degrees, and fixing tuition for the University, and to adopt and enforce policies and regulations necessary for its administration.

Basic coverage: Public degree and non-degree granting

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*These regulations were promulgated under the District's general business licensing law which was not cataloged or abstracted.

DC-03

An Act (1-145) to amend, on an emergency basis, the District of Columbia Public Postsecondary Education Reorganization Act

Effective date: 12 August 1976

Stated purpose: "...to allow the Board until August 1, 1977 to organize the University of the District of Columbia, and to extend the authority, on an emergency basis, of the Board...to exercise the powers of the abolished Board of Higher Education with respect to the licensing of public postsecondary educational institutions...." (p. 1)

Basic effect: Temporarily authorizes the Board of Trustees to license institutions to confer degrees and extends until August 1977 the date by which the Board shall consolidate existing public institutions into the University of the District of Columbia.

Basic coverage: Public degree and non-degree granting

NOTE: Authority previously held by the abolished Board of Higher Education to license private degree granting institutions is granted to the Board of Trustees temporarily. Legislation to establish a permanent Licensure Committee is pending.

No further abstract prepared.

DC-01

2. Application (DC-01):

"No institution...incorporated under the provisions of this chapter shall have the power to confer any degree in the District...or elsewhere, nor shall any institution incorporated [elsewhere]...undertaking to confer any degree, operate in the...District...unless under...a license...." (pp. 1469-1470)

NOTE: Provisions for out-of-state schools.

3. Coverage (DC-01):

Before granting any license, satisfactory evidence of the following may be required:

a.

b.

c.
- Degrees shall be awarded only after completion of the quantity and quality of work usually required by reputable institutions.
- If more than one-half of degree requirements are earned by correspondence or extra-mural study, this shall be conspicuously noted upon the diploma.
- No diplomas in medicine or dentistry shall be conferred for work done by correspondence.

d.
- A majority of trustees, directors, or managers of an institution are persons of good repute and qualified to conduct a school.
- The faculty is of reasonable number and properly qualified.

e.
- The institution has suitable classroom, laboratory, and library equipment.

f.

g.
- Applicants for degrees possess the usual high school qualifications at the time of their candidacy. (p. 1470)

h.

i.
- Institutions shall not use words in their title that might imply an official connection with the U.S. Government or advertise the power to issue degrees otherwise than under the authority of their license. (Special provisions were made for institutions of long standing, operating in foreign countries.) (p. 1471)

4. Administration (DC-01):

a.
- Applications for licensure are filed with the secretary of the Board of Higher Education,* who, when license is issued, forwards a copy of it to the recorder of deeds who endorses the fact of licensure upon the certificate of incorporation.

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*See DC-03 regarding transfer of powers from the Board of Higher Education to the Board of Trustees of the University of the District of Columbia.

- The Board is authorized to employ personnel of the public school system for performance of its duties.
- It shall be the duty of all public officers and bureaus of the Federal Government to render advice and assistance to the Board.

b.

c. • Application shall be made on forms prepared. (p. 1470)

5. Enforcement (DE-01):

a. • The Board may revoke licenses. In such a case, the secretary shall inform the recorder of deeds who notes that authority to confer degrees has been revoked.

b.

c. • Licenses may be revoked for noncompliance with provisions after opportunity for hearings before the Board is given.
   • Actions of the Board may be reviewed by the U.S. District Court. (pp. 1470-1471)

d. • Any person who confers degrees without a license, aids in this act, falsely advertises authority to confer degrees, or implies an official connection with the U.S. Government is guilty of a misdemeanor punishable by a fine of up to $2,000 or imprisonment for not more than two years, or both. (pp. 1471-1472)

DC-01-1

2. Application (DC-01-1):

   NOTE: See differential reporting requirements for accredited and unaccredited schools.

3. Coverage (DC-01-1):

   a.
   - The official name must be appropriate to the type of institution and to its programs of study. (p. 3)
   - Administrative policies and procedures shall be clearly defined and stated. (p. 4)

   b.
   - Curricula shall be related to the objectives of the institution and shall provide sequences leading to competence.
   - Provision shall be made for continuing reassessment of educational programs.
   - Correspondence, extension, and summer courses shall be consistent with the objectives and purposes of the institution and consistent with and comparable in quality to regular courses. (p. 5)

   c.

   d.
   - A competent and adequate administrative staff shall be provided.
   - The faculty shall possess academic, scholarly, and teaching qualifications appropriate to their positions.
   - There shall be sufficient full-time teachers to insure continuity and stability of the educational program and to provide adequate association between students and faculty. (pp. 4-5)
   - The library shall be operated by a professionally trained staff adequate to serve purposes and objectives. (p. 6)
   - See 4c, item 1, point 8.

   e.
   - The library collection shall be adequate and readily accessible.
   - Provision shall be made for continuous acquisition and recording of all library holdings.
   - Library seating and work space shall be adequate to accommodate a reasonable proportion of faculty and students at one time.
   - The living and study conditions of the physical plant shall be appropriate for programs offered and number of persons served.
   - Regulations regarding fire hazards, hygiene, floor space, ventilation, heat, light, etc. must be met.
   - Laboratories shall be adequate in space and equipment for the courses taught and the students enrolled, and shall incorporate safety measures. (p. 6)

   f.
   - The school shall have financial resources sufficient to fulfill its objectives.
   - If the institution operates for profit, it shall provide information sufficient to establish that profits are not derived to an extent or in such a manner as to be inconsistent with the maintenance of reasonable standards and high quality programs. (p. 4)
   - See 4c, item 1, point 5.

   g.
   - Admission standards shall assure that the student should be able to pursue and successfully complete the program.
   - Completion of a 4-year course in an approved secondary school would normally be required of first year students, although other criteria of equivalent value are possible. (p. 5)

h. • Catalogs shall be published at least every 2 years and shall contain at least: (1) objectives and purposes; (2) names of governing board, faculty, and administrative staff; (3) curricular offerings and programs of study; (4) admission and degree requirements; (5) student costs and policies on refunds; and (6) other regulations and requirements. (p. 7)

i.

j.

k.

l. • See the first item of 3n regarding maintenance of counseling records.

m.

n. • An adequate program of educational, occupational, and personal counseling shall be operated and the associated, necessary records maintained.
- Access to adequate health care shall be provided.
- Recreational and social programs appropriate to objectives shall be offered. (pp. 6-7)

4. Administration (DC-01-1):

a. • Prior to filing a formal application, an institution is advised to confer with the Special Assistant for Licensing Degree Granting Institutions appointed by the Board of Higher Education.* (p. 7)
- The Committee on Licensure of Degree Granting Institutions of the Board of Higher Education analyzes self-study and evaluation visit reports and recommends action on licensure to the Board. (p. 8)

b. • Following filing of the formal application, the Special Assistant and consultants will visit the institution and confer.
- Accredited institutions shall make provision for a representative of the Board to serve as an observer on all accreditation evaluation visits.
- Unaccredited institutions shall be expected, at least every five years, to submit required information and to arrange for a visit.
- The Board may visit an institution to evaluate its educational conditions at any time. (p. 9)

c. • Each institution requesting a license shall provide the following information which may be supplied in prepared publication: (1) official name; (2) educational philosphy; (3) purposes and objectives; (4) a statement of programs which includes a description of ways of reaching objectives and fulfilling purposes; (5) a statement of organization and finances including an audited, verified financial statement which indicates resources, and a dated operating statement listing income and expenditures, both prepared by a certified public accountant; (6) a description of the institution's board of control and its administration; (7) a description of the plant and physical facilities; and (8) a description of the faculty including: (a) policies governing appointments, tenure, and dismissal; (b) a list of faculty indicating professional preparation and experience; and (c) a description of each teacher's teaching program and other responsibilities.
- Institutions seeking to confer degrees shall supply a statement of how they plan to meet criteria listed in Section 3.

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* See footnote in Section 4a of DC-01.

- The institution shall clearly delineate responsibilities for the various phases of its operation. (p. 3)
- It shall provide a written statement of fiscal policy. (p. 4)
- See the second item of 3f regarding financial reporting requirements for profit institutions.
- Licensed institutions shall submit copies of catalogs, audited financial reports, president's reports, and other similar documents. (p. 8)
- Licensed accredited institutions must furnish copies of each self-study or other accreditation report and of each evaluation report submitted to the institution by an accrediting agency.
- Licensed unaccredited schools shall submit the information listed in items 1 and 2 above at least every five years. The Board may seek further information from such schools at any time. (p. 9)
- When an institution wishes to confer a degree for which it has not been licensed, it shall present, well before awarding such a degree, a formal request and supporting information including an outline of the curriculum, qualifications of faculty, anticipated enrollment, financial support, and relationship to total objectives. (p. 10)

d.

e.

f. • Initial licensure will be provisional and for no more than 3 years. After that it may be renewed unprovisionally. (p. 8)

g. • See the second item of 4b regarding Board representatives observing accreditation evaluations.

5. Enforcement (DC-01-1):

a. • The Board may deny or revoke licenses.
• See 5c below.

b.

c. • If a request for licensure is denied or before a license is revoked, written reasons and an opportunity to respond in writing or before the Committee on Licensure and Degree Granting Institutions will be given. (pp. 8, 10)
• Appeals of decisions of the Board will be heard by an ad hoc Committee on Appeal. The Committee may recommend that the Board review its decision. (pp. 10-11).

2. Application (DC-OX-1):

"...no person shall operate a proprietary school...without having first obtained a license...." (p. 3) "...no person shall act as an agent for a proprietary school located in the District or elsewhere, without having first obtained an agent's permit...." (p. 6)

The regulations shall apply to all proprietary schools located in the district and to all agents operating there. (p. 1)

A proprietary school is "a privately-owned school...which offers for a consideration resident or correspondence courses...for the purpose of enabling an individual to improve his appearance, social aptitude, social skills, intellectual aptitude, personality, or other personal attributes or which purports to prepare or qualify individuals for employment in any occupation or trade or in work requiring mechanical, technical, artistic, or clerical skills...." (p. 2)

Except:

The term "proprietary school" does not include:
- a. Residential elementary and secondary institutions;
- b. Degree granting institutions chartered by Congress or licensed;
- c. Schools conducted by a person solely for the training of his or her employees, and for which no fee is charged; or
- d. Courses offered by the District or Federal Government. (p. 2)

3. Coverage (DC-OX-1):

f.
- No license shall become effective until a corporate surety bond or other approved security in the amount of $10,000 shall have been filed. (p. 4)
- See 4c regarding the submission of a financial statement with license application.
- See 5c.

g.

h.
- Each student shall be provided, on a sheet separate from the contract, notice of his or her right to rescind the contract within 72 hours of signing and receive all monies advanced to the school.

---

*See footnote to DC-OX-1 in Section 1.

- Each student shall be provided a copy of the school's tuition plan and refund policy at the time of enrollment. These shall be included in the enrollment agreement. (pp. 4, 9)
- See Section 6.

i.
- Copies of all advertising shall be submitted upon request, including translations of foreign language advertisements.
- Guarantees of placement or employment shall in no way be promised or implied.
- Schools shall not solicit students in employment columns.
- Schools shall not advertise or imply that they are "supervised," "recommended," "endorsed," "accredited," or "approved" by any division of District government. Specific language for reference to licensure is given. (p. 5)
- Agents' permits do not become effective until a $2500 corporate surety bond or other approved security has been filed. A blanket surety bond for all agents may be filed by the school in an amount to be determined but not to be greater than $15,000. (p. 6)
- See 5c.

j.

k.
- See 31, item 5 regarding refund records.
- See Section 6.

l.
- Students may rescind enrollment contracts within 72 hours of signing (not counting weekends or holidays) and receive all fees and tuition paid.
- Each school's refund policy shall be approved only when the amount retained by the school does not exceed the following standards: (1) the enrollment fee shall be separately stated and its non-refundable portion shall be the smaller of either 20% of the total cost of the course or $50.00; (2) all money other than the fee shall be refunded when a student cancels before class begins (non-immigrant aliens are exempted); and (3) prior to completing 75% of training, the school shall refund a sum that does not vary more than 10% from the exact pro rata portion of unexpended tuition. Calculations are based upon weeks or series of lessons completed. Completion of part of a week or one lesson in a series counts as a full week or series.
- No school shall request or accept more than 10% of the total tuition prior to the start of the program (non-immigrant aliens are exempted).
- Schools shall make every effort to insure that enrolled students intend to complete the respective schedules or wish to withdraw.
- Adequate records shall be kept to insure that students who delay in requesting a refund are accommodated, except that no refunds are required if the request is submitted after the end of the program.
- Refunds to non-immigrant aliens (students having a residence in a foreign country who have acquired this status to pursue a full course of study in the U.S.) shall be payable within 30 days of official certification that the student has departed from the U.S. and shall be paid in his or her own country's currency. (pp. 9-10)

m.
- See 3i.

4. Administration (DC-OX-1):

a.
- Licenses and agents' permits are issued by the Commissioner of the District of Columbia or his designated agent. (p. 3)

b.

c. • Applications for licenses shall be made on forms provided and include: (1) title of school and location of principal place of business; (2) names of owners, officers, board of directors, managing employees within the District, and any other entity having 25% or more ownership interest; (3) place(s) of instruction and all other facilities in the District; (4) maximum student enrollment; (5) a current financial statement prepared by a C.P.A. within 30 days of the application and verified by the owner under oath; (6) the enrollment agreement; (7) a schedule of all tuition fees and other charges and a statement of refund policies; (8) a pamphlet listing all courses offered and their educational objectives; (9) a list of agents, revised as necessary; and (10) copies of all advertising used during the preceding 6 months. (pp. 3-4)

• Schools shall make their records and files available upon request. (p. 4)

• Agents shall make application for permits for each school represented on forms provided. (p. 6)

• Transfer of licenses shall be made in accordance with the District's business licensing law. (p. 3)

d. • Licenses and permits expire on 31 October of each year.

e. • Fees for licenses and permits shall be determined by the Commissioner. (p. 4)

5. Enforcement (DC-OX-1):

a. • See below.

b.

c. • The Commissioner may refuse to issue or renew, or may revoke or suspend a license or permit for: (1) willful violation of these regulations; (2) furnishing false or misleading information to the Commissioner or failure to furnish information requested; (3) furnishing false, misleading, or fraudulent information to students; (4) engaging in false, misleading, or fraudulent advertising or solicitations, or making any false promises, in advertising or otherwise, likely to influence enrollments through agents; (5) failure to secure or maintain adequate financial resources; (6) failure to secure or maintain bonds; (7) conferring degrees which purport to be the equivalent of those issued by licensed institutions of higher learning; or (8) failure to conform to the approved tuition plan and refund policy. (pp. 7-8)

• When it appears that there are grounds for denial, suspension, or revocation of a license or permit, written notice of violations and of right to request a hearing before the Commissioner shall be given.

• Appeals of the Commissioner's actions may be made (after a hearing) to the Board of Appeals and Review. (p. 8)

d. • The corporate surety bond shall be payable to the District and conditioned upon observance of all requirements of these regulations. Any student aggrieved by a violation shall have a right of action on the bond for the recovery of money or damages, or both. (pp. 5, 6)

• A school shall not negotiate or assign a student's instrument of indebtedness without stating on its face that the holder is subject to the terms and conditions of the original contract.

• Violations of the regulations are punishable by a fine of not more than $300 or imprisonment up to 90 days. (p. 11)

6. Other (DC-OX-1):

A school shall not use any contract provision, oral or written representation, or other means to deny or abridge the benefits of any applicable Federal or District law intended to protect consumers or credit purchasers. (pp. 10-11)

DC-02

2. Application (DC-02):

Consolidates the three existing public institutions into the University.

Includes the temporary authorization for the Board of Trustees to license institutions to confer degrees, replacing the Board of Higher Education function. (See DC-01 and DC-03.)

Abolishes the institutions of public postsecondary education existing immediately prior to the effective date of the consolidation.

Abolishes the Board of Higher Education and the Vocational Board on the day the Board of Trustees convenes its first meeting. (p. 23)

All rules, orders, and obligations of the Board of Higher Education and Vocational Education shall remain in effect until lawfully amended, modified, or repealed by Trustees. (p. 23)

3. Coverage (DC-02):

a. • It shall be the duty of the Board of Trustees to establish the University consisting of, but not limited to, two major components: (1) liberal and fine arts and (2) vocational and technical education.
   • The Board shall review and evaluate the existing public institutions with respect to accreditation, present programs and functions, actual and potential capabilities, and educational policies and procedures.

b.

c.

d. • The Board shall establish a personnel system setting forth minimum standards.
   • The Board selects, appoints, and fixes the compensation for the chief executive officer of the University and of staff for the Board, and approves the appointment and compensation of the academic and administrative heads of each component of the University. (p. 19)

e.

f. • During the fiscal year the Trustees may transfer any appropriation balance available for one item of appropriation to another item, or to a new program in an amount not to exceed $50,000.
   • Receipts from student fees shall be available for such purposes as the Trustees shall approve, without fiscal year limitation. (p. 18)

g.

h.

i.

j.

k. • The Board fixes tuition and fees to be paid by resident and nonresident students.

4. Administration (DC-02):

a.

b.

c. • Trustees shall annually report to the general public, Mayor, Council, and Congress on the operational programs and the expenditure of all funds for public postsecondary education, and including general student enrollment and placement data.
   • The Board of Trustees shall submit to the Mayor an annual budget for the fiscal year beginning 1 October 1977, and shall include a proposed financial operating plan and a capital and educational improvements plan. (p. 17)

5. Enforcement (DC-02):

a. • The District of Columbia auditor shall audit the expenditures of the Chief Executive Officer, who is authorized to provide for the expenditure of appropriations. (p. 24)

6. Other (DC-02):

It shall be the duty of the Board of Trustees to enter into negotiations and binding contracts regarding contracting with the governments of the United States and District of Columbia and other public and private agencies. (p. 18)

FLORIDA

1. Identification:

FL-01

Florida Statutes Chapter 246 Part 1 - Nonpublic Colleges (246.011 thru 246.151)

Effective date: 1 January 1972

Stated purpose: "...[to] provide for the protection of the health, education, welfare and morals of the citizens and...promote the acquisition of a minimum satisfactory education by all citizens of this state...to create the means whereby all nonpublic colleges...shall satisfactorily meet minimum educational standards...[and] protect the individual student from deceptive, fraudulent, or substandard education; protect the nonpublic institutions; and protect the citizens of this state holding diplomas or degrees." (p. 1)

Basic effect: Establishes the State Board of Independent Colleges and Universities and defines its powers and areas of responsibility; requires licensing of schools and their agents; restricts use of words "college" and "university."

Basic coverage: Private degree granting

FL-02

An Act Relating to Nonpublic Colleges

Effective date: 1 October 1976

Stated purpose:

Basic effect: Amends parts of Chapter 245 Part 1 (FL-01) and adds section 246.095. Changes some language, defines areas for setting of standards for licensing of schools and agents, and sets requirements regarding disclosure of material facts.

Basic coverage: Private degree granting

FL-01-1

Rules of the State Board of Independent Colleges and Universities (Chapter 6E-1 and 6E-2)

Effective date:

Stated purpose: To assure that the institution meets certain minimum standards of quality. (p. 1)

Basic effect: Sets forth standards and procedures for licensing of schools and agents and procedures for denial and revocation of licenses.

FL-03

An Act Relating to Education...(Chapter 74-360)

Effective date: 1 July 1974

Stated purpose: "...[to] provide for the protection of the health, education and welfare of the citizens of Florida and...promote the acquisition of a minimum satisfactory vocational, technical, trade and business education by all the citizens of this state...[to] create the means whereby all...schools as defined in this Act shall satisfactorily meet minimum educational standards ...[and] protect the individual student from deceptive, fraudulent or substandard education; protect [legitimate]...schools; and protect the citizens of Florida holding diplomas or degrees." (p. 1)

Basic effect: Establishes a state board of independent postsecondary vocational, technical, trade, and business schools; provides for licensing and accreditation of certain schools and their agents; defines the Board's powers and responsibilities.

Basic coverage: Private non-degree granting

FL-03-1

Rules of the Department of Education, State Board of Independent Postsecondary Vocational, Technical, Trade and Business Schools (Chapter 6F-1 through 6F-8)

Effective date:

Stated purpose: Same as FL-03, except adds areas in which standards are to be set: philosophy, purpose, and name of school; administrative organization; courses or programs of instruction; faculty; student services; admissions; finances; fees structure and refund policy; physical facilities; and publications and advertising. (p. 1)

Basic effect: Sets forth standards and procedures for licensing of schools and agents and procedures for denial and revocation of licenses.

FL-04

Title XV: Education, Chapter 228 - State Plan for Public Education; Chapter 229 - Functions of State Educational Agencies

Dates enacted and revised: 1939, including several revisions and amendments through 1972

Stated purpose: "The purpose of the Florida School Code is for the establishment, maintenance and support of public education in the state." (p. 1)

Basic effect: The Florida State Code is comprised of all the laws relating to public education which are concerned with the general control and support of public schools, community colleges, and institutions of higher education. The State Board of Education has the authority to adopt rules and regulations and minimum standards which shall have the full force and effect of law. (p. 7)

Basic coverage: Public degree and non-degree granting

FL-05

Chapter 240 - Board of Regents

Effective date:

Stated purpose: "The Board of Regents is granted the necessary powers to govern, regulate, coordinate, and oversee the institutions and agencies in the State University System in order to attain the most effective accomplishment of the lawful aims of education." (p. 177)

Basic effect: The Board is primarily policy-making, adopting rules and regulations for the State University Systems, and providing sufficient authority and assistance to its staff and to the heads of institutions and agencies.

Basic coverage: Public degree granting

FL-05-1

Rules of Department of Education: Chapter 6C-1 - Board of Regents

Effective date: 1970, including amendments through 1974

Stated purpose:

Basic effect: States the powers and duties of the Board of Regents to plan for the State University System, to approve academic units, and to allocate funds.

FL-06

Chapter 230, Sections 230.741 through 230.776, Community Colleges

Effective date:

Stated purpose:

Basic effect: Sets procedures for establishing community or junior colleges; authorizes the State Board of Education to set minimum standards to be met before community colleges may operate.

Basic coverage: Public degree and non-degree granting (2-year institutions)

No further abstract prepared.

FL-06-1

Rules of the Department of Education: Chapter 6A-14 - Community Colleges

Effective date: 1974, amended 1975

Basic effect: Specifies the responsibilities of the State Community College Council, the procedure for establishing community colleges, the programs of studies and degrees, and the vocational education offerings required for each district.

Basic coverage: Degree and non-degree granting (2-year institutions)

FL-01 and FL-02

2. Application (FL-01/FL-02):

"No nonpublic college shall [operate] or be established within the state... unless such school shall apply for, and obtain from the board, a license.... No...agent shall, for remuneration, solicit any prospective student within this state to enroll in a college...within or without this state unless such agent...shall apply for and obtain from the board an agent's license...." Schools exempted from regulation under this Act may voluntarily seek licensure. (FL-01, p. 3)

"Board" means the State Board of Independent Colleges and Universities. (FL-01, p. 2)

Exemptions:

a. Publicly supported colleges.
b. Colleges which provide training in fields regulated by other Florida boards (real estate, nursing, cosmetology, barbering, chiropractice, dentistry, electrical and general contracting, forestry, surveying, landscape architecture, and funeral directing).
c. Nonpublic colleges chartered in Florida and accredited by an agency recognized by USOE or the Florida State Board of Education.
d. Colleges chartered in Florida whose credits are accepted without limitation by at least three accredited institutions.
e. Education provided for by an employer solely for his employees and for which no diploma is awarded.
f. Education provided by a recognized labor union, professional, or fraternal organization solely for its membership and for which no diploma is awarded.
g. Colleges offering instruction of a non-occupational avocational nature and which award no diploma.
h. Chartered nonprofit religious colleges which train only for their own ministries, offer only degrees of ecclesiastical nature, require at least 120 semester hours in residence for a four-year degree, and present their offerings accurately in public documents. (FL-01, pp. 1, 2; FL-02, p. 1)

NOTE: Nothing in the law is intended to regulate the stated purpose of or restrict religious instruction in a nonpublic college. (FL-01, p. 1)

NOTE: Only Florida chartered colleges and universities are eligible for exclusion from licensure. (Report of the State Board of Independent Colleges and Universities, 1 July 1975 - 30 June 1976, p. 22 - not cataloged.)

3. Coverage (FL-01/FL-02):

Areas of minimum educational standards to be set by the Board for licensing of colleges shall include:

a. • School purpose, administrative organization, and student personnel services.
b. • Educational program and curricula.
c.

d. • Faculty.
e. • Library and physical plant facilities.
f. • Finances.
g.
h. • Publications and disclosure statements regarding certification and licensure of the school. (FL-02, p. 3)
• Schools which solicit for enrollment students who reside outside the U.S. and its dependencies shall disclose in writing to each prospective student, before collecting any fee, a statement of school purpose, facilities, licensure status, and the fact that the Board can provide further information. The school must provide the Board with a sworn statement of compliance with this requirement before a license will be granted. (FL-02, pp. 4, 5)
i. • The terms "college" and "university" are restricted to accredited degree granting schools, schools licensed under this Act, or schools which were operating and using the terms on 1 April 1970. (FL-01, p. 4)
• See 3h, item 2.
• Minimum educational standards to be set by the Board for licensing of agents shall include (cover): name, residential and business addresses, background training, and school to be represented. (FL-02, p. 3)
j. • Schools which discontinue operation must convey all student records to the Board or to a place the Board designates. (FL-02, p. 4)

4. Administration (FL-01/FL-02):

a. • The State Board of Independent Colleges and Universities has power to recommend to the State Board of Education minimum standards and rules, to execute those standards and rules which the State Board of Education adopts, and to administer this Act and adopted rules. (FL-02, pp. 2, 3)
• The Board has various powers by which it may carry out the above responsibilities, including cooperating with other agencies, appointing committees and employees, budgeting, borrowing, and spending funds, making rules for its own operation, and suing or being sued.
• The Board issues, renews, denies, suspends, and revokes licenses of schools and agents. (FL-01, pp. 3, 4)
• The State Board of Education adopts standards and rules recommended to it by the Board. (FL-01, p. 3)
b.
c. • Schools must make application to the Board within 60 days of incorporation. (FL-01, p. 3)
• A licensed college which seeks to expand its program(s) shall file an amendment to the application. (FL-02, p. 4)
• A sworn statement must accompany the application regarding disclosure matters described in 3h, item 2. (FL-02, pp. 4, 5)
• Applications for original or renewed licenses must be accompanied by fees. (FL-01, p. 3)
d. • Each original license shall be permanent unless revoked for cause. (FL-02, p. 3) However, licenses must be renewed and fees paid. (FL-01, p. 3)
e. • An original school license is $100; renewal is $50. An original or renewal agent's license for in-state college agents is $10; for out-of-state college agents, $25. All funds are payable to the General Revenue Fund. No fee shall be charged for an amendment to a school's application. (FL-01, p. 3)

f. • A school may be granted a one-year temporary or provisional license, which may be extended on the basis of good faith efforts as determined by the Board. (FL-02, p. 3)

g. • Schools and agents in operation 1 January 1972, which applied for licenses within 10 days, were permitted to remain in operation until action on the license.
   • Approval of a new school's articles of incorporation shall not be deemed authorization to operate. (FL-01, p. 3)

5. Enforcement (FL-01/FL-02):

a. • The Board may obtain an injunction or take any action it deems necessary against a school or agent violating this Act.
   • The Board has power to deny, suspend, and revoke licenses. (FL-01, p. 4)

b.

c. • Licenses may be refused, suspended, or revoked for cause, or when rules of the State Board of Education pertaining to this Act have been violated. (FL-01, pp. 3, 4)
   • Licenses may be revoked or suspended for school refusal to comply with disclosure matters described in 3h, item 2. (FL-02, p. 5)
   • Before revoking, denying, or suspending any license, the Board must notify the school or agent suspected of a violation of reasons for its action by registered mail, hold a hearing within specified time limits, take action within 20 days after the hearing, and notify the school or agent in writing of such action. (FL-01, pp. 3. 4)

d. • Anyone violating a provision of the Act shall be punished as follows: for a first offense, conviction of a misdemeanor of the second degree, with penalty of a definite term of imprisonment not exceeding 60 days or a fine not exceeding $500. For subsequent offenses, conviction of misdemeanors of the first degree, with penalty of imprisonment not exceeding one year or a fine not exceeding $1,000.
   • Injunctive relief shall not bar the imposition of other penalties. (FL-01, p. 4)

FL-01-1

2. Application (FL-01-1):

Basic prohibition: Not stated.

Correspondence schools are specifically included in this document's definition of "college." (p. 1)

Exemptions: Same as FL-01/FL-02, and in addition:

a. Colleges that grant an associate or higher specialized degree in vocational, technical, trade, or business areas, and include less than 18 quarter-hours or 12 semester-hours in general education. (p. 2)

3. Coverage (FL-01-1):

a.
- Schools should establish an atmosphere in which learning may be encouraged and advanced, and provide an academic program, policies, and organizational structure, as well as facilities and faculty, to achieve this end. (p. 1)
- A school shall clearly and officially define its purpose, and state procedures by which it may be changed.
- Schools shall provide policies and procedures necessary to accomplish their stated purpose, including areas such as administrative and faculty organization, tenure, and academic freedom.
- Faculty shall be given appropriate responsibility in development of specific academic details of general policies, and should be given opportunity to make recommendations on the official statement of purpose.
- Control of the school must be clearly stated.

b.
- Educational program and curricula shall be related to the school's purpose.
- Each curriculum shall provide a sequence of appropriate subjects leading to competence in that field of study. (p. 4)
- The level of instruction shall be clearly stated to reflect the resources and purposes of the school and ability of the students.
- Provision shall be made for continual evaluation and improvement of instruction. (p. 5)

c.

d.
- Competent administrative staff must be provided. (p. 4)
- Faculty members shall possess appropriate academic, scholarly, and teaching qualifications for their positions.
- Number of faculty shall be sufficient to ensure continuity of the educational program and adequate contact with students.
- Classroom teaching loads shall be consistent with provision of adequate time for preparation for each class, professional growth, and non-teaching functions.
- An adequate, competent, trained library staff shall be provided.

e.
- The schools shall provide an adequate, appropriate physical plant, including classrooms, laboratories, and living accommodations.
- Governmental fire, health, and safety requirements shall be met.
- Library shall include adequate quiet study space and a physical environment conducive to reflective pursuits.

f.
- The school's financial resources shall be adequate to its purpose, scope, facilities, and number of students. Adequacy shall be measured against general administration expense, as well as costs of instruction, libraries, and maintenance of physical plant, and shall take into account both gross amount of income and income per student.
- Stability of income shall be established by a history of at least three years, if applicable.
- A detailed budget shall be prepared each fiscal year and adopted by the board of control, based on prior educational planning and involvement of academic personnel and officers.
- An annual audit and operating statement shall be prepared by a disinterested certified public accountant.

g.
- Admission requirements shall be designed to insure that students should be able to pursue successfully programs for which they are admitted. This normally means a high school diploma, but other equivalent criteria may be used. (p. 5)

h.
- Officially adopted policies and procedures should be communicated to all affected personnel, including faculty, staff, and student body.
- Curriculum offerings shall be clearly and accurately described in all published materials. (p. 4)
- The school shall clearly state its fiscal policy, including policies and procedures on student fees.
- The school's refund policy should be stated in all official publications.
- A catalog shall be published at least every two years and must include: (1) school philosophy, purpose, objectives, and programs; (2) listing of faculty, earned degrees and institutions conferring them, administrative officers, and the governing board; (3) programs of study, course offerings, and curricular patterns; (4) admission and degree requirements; (5) student fee and refund policies; and (6) any other general, official rules and regulations. (p. 5)
- Schools must advise students individually in writing if any professional or occupational course does not qualify the student to take the licensing examination for that profession or occupation, or if education courses and degrees do not qualify the student to apply for a teaching certificate. (p. 6)

i.
- All publications shall accurately and realistically describe what the college can actually provide. (p. 5)
- Agents (people who spend half-time or more soliciting prospective students) must swear by affidavit to represent their schools honestly and accurately. (p. 7)
- See 3h, items 2 and 6.
- Agents who solicit students within or without the state must be licensed. (p. 7)

j.
- Necessary records shall be maintained, consistent with generally accepted professional, ethical, and legal forms, to support the school's educational, occupational, and personal counseling programs. (p. 5)
- Schools which discontinue operation shall convey all student records to the Board, which shall maintain them for reproduction at student request. (p. 7)

k.

l.
- Refund policies and procedures in keeping with generally accepted practices of institutions of higher learning shall be established. (p. 5)

m.

n. • Agents shall not represent schools subject to this Act which do not have licenses. (p. 7)

- An adequate program of educational, occupational, and personal counseling; an adequate program of student activities, including social and recreational; and an adequate program of health care and protection shall be established to accomplish the school's stated purposes. (p. 5)

4. Administration (FL-01-1):

a. • The State Board of Independent Colleges and Universities shall execute standards and rules adopted by the State Board of Education and provisions of the law.

- The Board's committee on licensure examines all applications and renewal applications and makes recommendations to the Board. (pp. 3, 7)

b. • Procedures in determining eligibility for a school license are as follows: (1) school officials are advised to confer with the Board's chief administrative official; (2) a newly chartered (incorporated) college shall apply to the Board for a license within 60 days of incorporation; (3) the Board's chief administrative official and, if the Board deems necessary, a consultant committee of knowledgeable educators shall visit the school to confer with administrators, students, and faculty and to examine the school's status; (4) the Board's committee on licensure will analyze the application and committee reports, if any, and present a recommendation to the Board; (5) the Board shall determine whether to grant the school a temporary license, a provisional license, or an original license. (p. 3)

- Procedures for renewal of license are as follows: the Board's committee on licensure reviews the application for renewal and makes a recommendation to the Board. If deemed necessary, the Board may direct that a visit to the school be conducted as described above. (p. 6)

c. • Applications shall include a descriptive inventory of the school (by means of the catalog insofar as information is contained therein) including: (1) school's name appropriate to the type of school; (2) official statement of school's educational philosophy, purpose, and objectives; (3) description of all academic programs and how they relate to school philosophy and objectives; (4) description of the school's organizational structure; (5) a statement of sources, kinds, and amounts of finances, including an audited, verified financial statement and operating statement by a certified public accountant; (6) description of the school's board of control and names and occupations of members; (7) description of the school's physical facilities and location; and (8) a statement of the policies governing appointment, tenure and dismissal of faculty, a list of all current full- and part-time faculty with the professional preparation, teaching experience, and teaching and non-teaching duties of each, and a list of all former faculty for 3 years past with their period of service and reason for separation. Also provided should be: 1) a $100 fee for an original license; 2) sworn statements that requirements concerning disclosure described in 3h, item 6 have been met; and 3) any published documents in any form, and evidence of matters described under Section 6 below. (pp. 3-5)

- All information provided shall be sworn to as accurate before a notary public.
- Licensed schools shall submit to an annual report to the Board on the

specified form and at the time set by the Board. (p. 3)

- Schools must supply amplified statements of how they propose to meet standards in 3a-n, or why such standard is inapplicable. (p. 4)
- Change of charter or governing control must be reported immediately on forms provided by the Board. (p. 4)
- Licenses are not transferable to another school. (p. 3)
- Formal renewal applications shall be filed, accompanied by copies of the school's catalog, audited financial reports, president's reports, reports to accrediting agencies, if any, and $50. (p. 6)
- A school wishing to expand its program(s) shall file an amendment to its application, including an outline of the curriculum, qualifications of faculty, anticipated enrollment, financial support, and relationship to school purpose. (pp. 6, 7)
- Agents shall file formal applications for license including name, address, age, training, experience, school to be represented and its status regarding licensure, an affidavit that the school will be honestly and accurately represented, and $10. If the school to be represented is located outside Florida, a descriptive inventory such as that described above shall be included with the application. (p. 7)

d. • An original license shall be permanent unless licensee violates the Act (p. 3), but renewal applications shall be filed annually on or before the anniversary of the original license. (p. 6)

- Agents' licenses are effective for one year from date of issue. (p. 7)

e. • See FL-01/FL-02, 4e.

f. • Temporary licenses may be issued for a period of a year and may be extended if a good faith effort has been made by the school to meet minimum standards. Provisional licenses may be issued for a period of a year and may be extended if a good faith effort has been made by the school to meet minimum standards. (p. 3)

5. Enforcement (FL-01-1):

a. • The Board shall take whatever action it deems necessary against schools, including listing of the refusal, revocation, or suspension of licenses, the seeking of injunctive relief, and initiation of any other sanctions provided by law. (p. 7)

b.

c. • School and agents' licenses may be refused or revoked for causes and by procedures described in FL-01/FL-02, 5c, item 3, with the exception that these rules specify 21 days allowed for request of hearing instead of 20 specified by the Act. (p. 6)

- School and agents' licenses may be refused, revoked, or suspended for violation of the Board's standards or rules. (p. 7)

6. Other (FL-01-1):

The salary schedule for faculty shall reflect a level of income indicative of the worth of college teaching and shall place faculty in a reasonably competitive relationship with similar schools. (p. 5)

2. Application (FL-03):

"No independent post and secondary vocational, technical, trade or business school shall [operate] or be established within the state...unless such school shall apply for and obtain from the board a license.... No...agent shall solicit for remuneration any prospective student within this state to enroll in a school established...within or without this state unless such school within this state has been approved by the board and unless such...agent... shall apply for and obtain from the board an agent's license." (pp. 4, 5)

"Board" means the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools.

"School" means any non-governmental postsecondary vocational, technical, trade, and business non-collegiate school, whether resident or correspondence offering instruction toward occupational objectives or furnishing a diploma or degree in such subjects or otherwise unregulated professional schools. (p. 2)

Exemptions:

a. Schools or businesses regulated by the state.
b. Nonprofit, tax-exempt schools operated by religious or charitable institutions. These may choose to apply for a license under the Act, and shall then be subject to its provisions.
c. Governmental schools (i.e., public schools).
d. Colleges and universities which award a baccalaureate or higher degree and junior colleges which award an associate degree in liberal arts.[1]
e. Nonprofit classes operated by employers or unions solely for employees or members. (pp. 1, 2)

NOTE: Nothing contained in the Act is intended to regulate the stated purpose of a school or restrict religious instruction therein. (p. 1)

NOTE: Schools accredited by an agency recognized by the Board and schools which have operated under the same ownership for 50 years and in Florida for 20 years and do not change ownership shall be deemed in compliance with the Act by making initial application for license and making annual reports containing name of school and administrators, number of students and staff, and grade level of instruction. (p. 6)

NOTE: Granting of license or accreditation under this Act shall not be considered accreditation for the purpose of tax exemption. (p. 7)

NOTE: "School" includes home study courses. (p. 2)

NOTE: Accrediting agencies recognized by USOE or the State Board of Education are recognized for this Act. (p. 6)

3. Coverage (FL-03):

i. • Schools and their agents shall not advertise to solicit students or offer diplomas or degrees if they have not obtained a license or if they are under injunction against operating or offering diplomas or degrees; if they do, they are deemed prima facie to be in violation of this Act. (p. 6)

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[1] "Degree" is defined for the Act as limited to an associate degree or equivalent. Schools which grant non-liberal arts degrees are not excluded from coverage under this Act. (p. 2)

4. Administration (FL-03):

a.
- The State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools exercises power, independent of the Department of Education, to make rules, license schools, and enforce this Act. It administers the Act and the regulations. (p. 3)
- The Board recommends rules and minimum standards to the Department of Education (p. 3) and executes standards which are adopted. (p. 4)
- The Board recommends minimum standards for accrediting agencies to the State Board of Education. (p. 3)
- The Board has various powers, including appointing committees, executives, and employees; making rules for its own operation; budgeting and expending funds; cooperating with other state and federal agencies in administering this Act; and suing or being sued. (pp. 3, 4)
- The State Board of Education adopts minimum standards and rules upon recommendation of the Board. (p. 4)
- The Board grants or denies applications for agents' licenses within 60 days. If the Board fails to act in this time, the agent's license is automatically granted. The Board may also suspend and revoke an agent's license. (p. 5)
- The Board issues or denies school licenses, and may also suspend or revoke such licenses. (p. 5)

b.

c.
- Schools shall apply for a license (original or renewal) in the manner and form prescribed by the Board, accompanied by appropriate fee.
- See NOTE #2 above.

d.
- School and agent licenses are effective for 1 year from date of issue. (p. 5)

e.
- Applications for original school license shall cost from $150 to $250; for renewal licenses, $50; for agents, $10 per year. All funds shall be deposited in the Independent Postsecondary Vocational, Technical, Trade, and Business Service Trust Fund and used for Board expenses. (p. 5)

f.

g.
- After filing application for license, an agent may solicit students for an approved school until license is issued or denied. (p. 5)

5. Enforcement (FL-03):

a.
- The Board may refuse, suspend, or revoke school and agent licenses. (p. 5)
- The Board may obtain an injunction or take any action it deems necessary. (p. 6)
- The Attorney General or State Attorney has power to enforce this Act. (p. 7)

b.

c.
- Licenses may be refused, revoked, or suspended for cause, or where the Board finds licensee in violation of rules pertaining to this Act. The Board must first serve notice by registered mail, setting forth reasons for its proposed action. Within 20 days of postmark, licensee may request a hearing, which shall be held no sooner than 10 days after notice of hearing date is mailed to licensee. The Board must take action

within 20 days and notify licensee of its decision in writing. (p. 6)

- Revocation of license may or may not be in addition to other penalties imposed. (p. 7)

d.

- Penalties for violations are as follows: for a first offense, conviction of a misdemeanor of the second degree, with penalty of a definite term of imprisonment not exceeding 60 days or a fine not exceeding $500. For subsequent offenses, conviction of a misdemeanor of the first degree, with penalty of imprisonment not exceeding 1 year or a fine not exceeding $1,000.
- Injunctive relief shall not bar the imposition of any other penalties for violation of this Act. (p. 6)

2. Application (FL-03-1):

Basic prohibition: Not stated.

NOTE: A branch school is considered a separate school if its facilities, staff, and area of service are separate from other branches. (p. 7)

Exemptions: Same as FL-03 (does not specifically mention item a thereunder).

3. Coverage (FL-03-1):

a.
- The school shall state, in clear and simple language, its educational philosophy and objectives.
- Administrative policies and procedures shall be such as are necessary to insure accomplishment of its purpose. (p. 9)
- A school shall strive to earn the confidence and respect of leading employers in the field which it serves. (p. 15)

b.
- Adequacy of a school's instruction shall be judged in terms of the school's own objectives and actual operating procedures. (p. 9)
- Courses of study shall be related to school purpose and sequenced to lead to competence in the field of study. (p. 9)
- Time scheduled in a course must be sufficient to enable the student to acquire the skill advertised. (p. 9)

c.
- Policies must be established and publicized regarding the awarding of diplomas or evidence of completion of course or program. (p. 10)

d.
- Competent administrative staff shall be provided. (p. 9)
- The director of training must have sufficient education, experience, and administrative competence to properly supervise the program. (p. 9)
- Instructors shall possess appropriate educational and professional qualifications including licensure or certification if needed. (p. 9)
- Instructional staff shall be sufficient to serve students enrolled and maintain satisfactory working relationships with students. (p. 9)

e.
- Instructional and student housing facilities shall meet fire, safety, and sanitation standards (including proper safety devices which must be used at all times). (p. 8)
- Space, heat, light, ventilation, and storage space shall be sufficient to course purpose and enrollment. (p. 8)
- Adequate library facilities and resources shall be provided. (p. 8)
- Equipment shall be similar to that found in common occupational practice. (p. 8)
- Sufficient equipment shall be available to allow each student adequate scheduled time for practice. (p. 8)

f.

g.
- The school must insure that prospective students understand the nature of the training and results they can reasonably expect from it, and the nature of obligations and rights imposed by the contract. (p. 9)
- The school must establish enrollee qualifications which will enable students to complete the program successfully and screen all students to insure they meet such qualifications. If an unqualified student

is knowingly accepted, the school must keep records of the reasons for the acceptance and be prepared to defend it before the Board. (p. 10)

h.
- See 3g, item 1.
- Information contained in the catalog shall include at least: (1) identifying data on the school and date; (2) names of faculty and officials; (3) school calendar; (4) policies regarding student conduct, attendance, leave, absence, make-up work, and tardiness; (5) dates of enrollment and entrance requirements; (6) policies regarding progress, grades, probation, dismissal, and re-entry; (7) details on all fees or charges; (8) refund policy; (9) course outlines, length, and objectives; (10) space and equipment; and (11) policies regarding transfer of credit and granting of degrees. (p. 10)
- A copy of the completed contract shall be furnished the student. (p. 9)
- Each student shall receive a copy of the catalog prior to or upon enrollment. (p. 10)
- Information subject to change may be prepared as attachments to the catalog. All attachments must be current. (p. 10)
- A school shall use an enrollment agreement which shall be the contract between student and school, which shall meet Board minimum requirements. (p. 9)
- Application for enrollment must be in writing on forms provided by the school. (p. 15)
- See 3c.

i.
- Courses shall be clearly and accurately described in all published materials. (p. 9)
- A draft copy of the school catalog must be approved by the Board, and published and bound to create an accurate and dignified impression of the school. It shall avoid false, misleading, or exaggerated statements. Illustrations and copy shall pertain directly to the school and sources of illustrations shall be clearly identified, especially in cases of branch schools. (pp. 10, 11)
- All advertising shall be based on fact and not misleading by statement, omission, or illustration. (p. 10)
- A school shall advertise only as a school and not in conjunction with any other business. (p. 10)
- All advertising must clearly indicate that education, not employment, is being offered. (p. 10)
- Schools may advertise only in columns headed "education," "schools," "instruction," or similar headings. (p. 10)
- Statements or implications guaranteeing jobs or membership in unions shall not be used. (p. 11)
- Licensure shall not be represented as accreditation in any school communications. (p. 11)
- The term "counselor" shall not be used by agents. (p. 11)
- Agent applicants must submit affidavits swearing that they will honestly and accurately portray the school. (p. 11)
- No guarantee of placement shall be directly or indirectly implied. (p. 9)
- A school may not use the term "accredited" unless it has been accredited by a recognized accrediting agency (see NOTE #5 under FL-03). (p. 11)

j.
- Permanent educational records shall be securely maintained, grades reported regularly, and transcripts issued on student request. (p. 9)
- Schools discontinuing operation shall deposit all scholastic records with the Board. (p. 15)

k.
- If scholarships are offered, they shall be explained in full detail (in advertising). (p. 11)

l. • Any correspondence regarding cancellation and settlement between the student and the school or its representative (including bank, lawyer, etc.) must clearly acknowledge the existence of the school's cancellation and settlement policy.

• If a contract is sold to a third party, the school must still comply with its refund policy.

• A school must clearly acknowledge the existence of its cancellation and settlement policy in the enrollment contract.

• A school must issue a refund within 30 days of the student's failure to enter or termination of training.

• The Board may accept a school's refund policy if it equals or betters that required by a recognized accrediting agency for that type of school. (p. 10)

m. • A school shall have an acceptable record of employment or satisfaction of its students and graduates. (p. 15)

• Adequate placement and counseling service shall be provided graduates without additional charge, and the school shall maintain records of initial employment of its graduates. (p. 9)

n. • If training involves actual production work, effort shall be made to avoid unfair competition with private enterprise and exploitation of students. (p. 15)

• Policies must be established and publicized regarding credit granted for previous training. (p. 10)

4. Administration (FL-03-1):

a. • The Board determines whether applicants meet minimum educational standards and grants or denies applications for licenses within 60 days of date of receipt. If it fails to act in this time, licenses are automatically granted.

b. • The Board uses the information provided (the descriptive inventory described in 4c below) to evaluate a school. Schools providing comparable descriptive inventories are evaluated in a similar manner. (p. 7)

c. • Schools shall file applications in the form and manner described herein, including (descriptive inventory): (1) a copy of articles of incorporation, if any; (2) a copy of a partnership's articles of agreement, if any; (3) an official, appropriate school name; (4) official statement of purpose; (5) a list of administrators and statement of administrative structures; (6) a list of all courses, with brief content descriptions, clock hours, and credit hours (or number of lessons in correspondence courses); (7) a list of all full- and part-time faculty indicating professional preparation and teaching assignment; (8) descriptions of counseling, activities, housing, placement, and health services; (9) a copy of all admissions and other contracts and a school catalog, which must contain admissions policies; (10) statement of sources and kinds of finances and a schedule of tuition fees and interest charges; (11) a description of classrooms, laboratories, shops, administrative and service areas, and library; and (12) all advertising and recruiting materials. This must be accompanied by a statement of how the school is or will meet minimum standards; affiliations of school personnel with other schools; a copy of the franchise agreement, if any; and $200. (pp. 7, 8, 13)

• An agent's application must include: (1) name, residence and business addresses, and phones; (2) age, training, and experience; (3) legal names, addresses, and nature of school(s) to be represented (each school represented requires a separate license); (4) if the school is not in Florida, a descriptive inventory as above; (5) an affidavit that the school will be honestly and accurately represented; and (6) if a school is licensed by the Board, indication of this. (p. 11)

- Licenses shall be renewed on forms prepared and furnished by the Board. (p. 11)
- Significant changes in the school ownership, courses, or method of operation shall be reported to the Board. Licenses are not transferable. (p. 11)
- Schools must, on reasonable notice, make information on school activities pertinent to FL-03 available to the Board. (p. 15)

d. • Original school and agent licenses are effective for 1 year from date of issuance and renewable annually thereafter. (p. 13)

e. • Fees are described in FL-03, 4d, except that fee for an original school license is fixed at $200. (p. 13)

f. • If the Board cannot act on an application within 60 days, it shall issue a temporary license which is sufficient to meet the requirements of the Act until action is taken. (p. 13)

- Upon application for an agent's license, an agent may solicit students for an approved school until action on the application. (p. 13)

5. Enforcement (FL-03-1):

a. • The Board may refuse, suspend, or revoke licenses. (p. 17)

- The Board may obtain an injunction or take any action it deems necessary against a school or agent. (p. 17)
- The Board strives to develop good lines of communication with accrediting agencies, and will refer to the appropriate agency major violations of standards. (p. 15)

b.

c. • See FL-03, 5c, both items.

- If a school subject to FL-03 or persons acting on behalf of the school publish any advertisements soliciting students or offering a diploma or degree without a license or while under injunction against operating, such school or person shall be deemed prima facie to be in violation of the Act or injunction. (p. 17)

d. • See FL-03, 5d.

e. • See FL-03, 5e.

FL-04

2. Application (FL-04):

The state system of public education includes the public schools (K-12, adult, vocational); community colleges (general, academic, occupational, and adult continuing education); and institutions of higher education (state-supported educational institutions other than community colleges). (p. 1)

3. Coverage (FL-04):

a. • The State Board of Education has the duty to adopt comprehensive educational objectives for public education and comprehensive plans for the development of the state system.
b. • The Board shall exercise general supervision over the Department of Education to insure coordination of plans and programs, including coordinating academic calendars to minimize problems of articulation and students' transfers. (p. 7)
c.
d.
e. • The Board shall manage all lands held by the state for educational purposes. (p. 8)
f. • The Board shall administer the state school funds.
g.
h. • The Commissioner of Education shall prepare, publish, and distribute materials relating to the state system of public education, which shall supply information concerning needs and plans. (p. 10)

4. Administration (FL-04):

a. • The Board shall approve plans for cooperating with the federal government, other public agencies, and appropriate nonpublic agencies for the improvement of conditions relating to the schools. (p. 8)
b.
c. • The State Board shall annually submit to the Governor the estimates of expenditures required for the Board, Commissioner, and the institutions under its general supervision. (p. 7)
- The Commissioner shall prepare for the approval of the State Board necessary forms and procedures to be used by school boards and educational agencies, to assure the uniformity and accuracy of records, contracts, budgets, and reports. (p. 10)

FL-05

2. Application (FL-05):

The Board of Regents regulates and oversees the institutions and agencies in the State University System.

The Board is authorized to contract with accredited private institutions of higher education for providing educational programs and facilities to meet either the unfulfilled needs of the State University System or of the private institutions. (p. 177)

3. Coverage (FL-05):

a. • The Board of Regents shall select the heads and approve the programs of the institutions and agencies, and review and approve all budgets in the System. (p. 177)
   • The State Board of Education shall exercise general supervision and control over the Board of Regents.
b. • The Board of Regents shall provide and coordinate credit and noncredit extension courses in all fields necessary to improve the educational standards of the state.
c.
d. • The Board of Regents is authorized to provide for the employment of personnel at the institutions and for their compensation.
e. • The Regents shall conduct studies of the educational needs of the state and the facilities required.
f. • The Regents shall approve all budgets in the System and present requests for appropriations to the Governor.
g. • The Regents shall prescribe minimum standards for admission of students to all institutions. (p. 178)

4. Administration (FL-05):

a. • The Regents are authorized to conduct studies of each institution to determine whether the policies and regulations of the system are being followed and to determine how efficiently and effectively the staff and facilities are being used. (p. 179)
b. • The Regents are authorized to approve the programs of instruction and the different branches of learning to be offered at each institution and to change them. (p. 178)

FL-05-1

2. Application (FL-05-1):

See FL-05.

3. Coverage (FL-05-1):

a. - The Board of Regents shall maintain long-range plans for the State System, including the definition and character of each of the universities. (p. 1)

b.

c. - Following each commencement, Registrars shall report to the Regents the number of various degrees conferred.
   - Honorary degrees shall be recommended by the presidents and approved by the Regents. (p. 9)

d.

e.

f. - The Regents shall allocate funds available to the universities on the basis of need, except as provided by law. (p. 1)

4. Administration (FL-05-1):

a. - The Board of Regents shall carry forward the operation of the State University System as a coordinated unit in providing high quality programs for meeting the educational needs of the citizens.

b. - The Regents shall visit each of the institutions under its jurisdiction at least once a year.
   - The Regents shall, with the concurrence of the State Board of Education, establish, locate, and name new institutions or branches in the System, with authorization by the Legislature. (p. 1)
   - No department or school may be included in a legislative or annual operating budget without prior approval of the Regents, and no program at a new level or in a new area may be announced in a university catalog, or otherwise, until it has been approved by the Regents. (p. 10)

c. - Each institution under the Regents' jurisdiction shall submit to the Chancellor annually material covering its activities for a systemwide annual report.
   - The Regents shall be notified by the president of a university at the time an accreditation visit is requested, and accreditation reports and any supporting data shall be filed with the Chancellor upon its receipt. (p. 9)
   - At the end of each term's registration, the institution shall report the following enrollment figures: total number of graduate and undergraduate students taking at least one course for credit, and the FTE for on-campus instruction (undergraduate, 15 semester hours; graduate, 12 semester hours).
   - Annual and budget reports shall include total student enrollment including extension and correspondence course participants. (p. 19)

FL-06-1

2. Application (FL-06-1):

Provisions of this chapter apply only to community colleges organized and operated under the provisions of Sections 230.752 to 230.754.

No public institution other than an approved community college shall be authorized to award an associate degree. (p. 182)

NOTE: Colleges are authorized and encouraged to seek regional accreditation. Specialized accreditation shall be requested only when determined necessary by the Board of Education to serve students completing programs. (p. 201)

3. Coverage (FL-06-1):

a.
- Each president shall have the authority for general oversight over the college and recommend to each Board plans for the proper accounting of all students, for admission and graduation, and for promoting the health and safety of students. (pp. 179-180)
- The Commissioner of Education shall issue instructions to the community college system outlining the uniform policy not otherwise contained in these rules and regulations. (p. 174)
- The State Community College Council shall recommend to the Director statewide policy regarding the operation of public community colleges, including minimum standards for programs and facilities, appropriate action on accreditation reports, and maximum fees which may be charged to students. (p. 175)

b.
- Each community college shall operate on a year-round calendar approved by the Director (division of Community Colleges, the Department of Education) to provide 220 days of classroom instruction including examinations, with courses sequenced to facilitate student entry and progress, and articulate with other levels of education. (p. 174)
- Each community college Board of Trustees shall identify educational needs and adopt instructional programs, which shall not be implemented until reviewed by the Director of the Division of Community Colleges. (p. 177)
- Community colleges shall offer a program of studies such as required in freshman and sophomore years of universities, and vocational programs as needed by the community.
- Area vocational schools, for approval by the State Board for Vocational Education, shall provide vocational education in no less than five different occupational fields, which shall reflect labor market demands and student interest. (p. 182)
- Each degree or certificate program shall afford students an opportunity to accelerate by completing a minimum of 25% of the degree requirements through achievement of performance levels or competencies. (p. 183)
- Each college shall provide a system which enables students to set and pursue attainment of goals.
- Each college shall implement a long-range plan for program development which includes the bases for setting priorities for programs and services. (p. 201)

- See 3h, item 1.

c. • Community colleges shall be organized to award associate degrees for satisfactory completion of a planned program of post high school studies, consisting of not less than 60 semester hours and to award appropriate certificates upon completion of other programs. (p. 182)

d. • Instructional and administrative staff shall have valid Florida certificates or meet criteria adopted by the Board. (p. 190A)
- Each college shall have a process by which decisions concerning personnel selection, development, evaluation, and retention are based on performance criteria. (p. 201)

e. • Extensive, detailed standards for facilities are stated and inspection is authorized.
- See 5e, item 2.

f. • Adequate and accurate financial records shall be maintained in accordance with specified standards and filed monthly, quarterly, and annually. (p. 204)
- See 5e, item 3.

g. • Admission requirements shall not include educational requirements greater than a high school diploma. (p. 198)
- Programs and services shall afford equal opportunity without regard to race, color, ethnic background, religion, or sex.

h. • For each program there shall be published statements of expected outcomes. (p. 201)

i.

j. • Student records other than directory information shall be available only to students' parents and professional staff of the college who work with the student. (p. 198)

k. • Budgets shall be examined by the Director for completeness, correctness, conformity with law and regulations, and proper preparation, and approved by the Commissioner. (p. 203)
- Expenditures for occupational programs must be at least as great as the amount granted for such programs from state and federal sources. (p. 204)
- Procedures for approval of capital outlay projects are given. (pp. 207, 208)

l.

m.

n. • Each college should periodically review programs and services through studies to determine effectiveness of outcomes. (p. 201)

4. Administration (FL-06-1):

a.

b. • A safety and health inspection may be made. (p. 249)

c. • Each community college shall annually submit a report to the Commissioner of Education concerning the number of students and amount of credit earned through acceleration procedures and number of students admitted through early admission and advanced placement.
- All instructional programs leading to degrees or certificates and all courses not part of a program will be reported to the Division of Community Colleges. (p. 183)
- The Director shall keep the Commissioner and State Board of Education informed concerning the status of each community college relative to standards. (p. 201)

5. Enforcement (FL-06-1):

e.
- Should the State Board of Education determine that a college is not meeting standards, the Director shall recommend actions needed to enable the college to meet the standards. (p. 201)
- If deficiencies are found during a safety and health inspection, the Board shall be required to take appropriate action to correct deficiencies. (p. 249)
- The Commissioner shall have the authority to withhold state funds if prescribed reports are not filed. (p. 204)

6. Other (FL-06-1):

Each college shall periodically review the district needs which call for educational services.

178

GEORGIA

1. Identification:

GA-01

Georgia Proprietary School Act (Georgia School Laws, Chapter 32-23B)

Effective date: 1 January 1973

Stated purpose: "...to establish in a unified and organized form regulatory laws relating to certain nontax-supported vocational educational institutions ...and to simplify, clarify and harmonize existing legal relationships...to provide adequate protection for students, educational institutions and the general public." (p. 1)

Basic effect: Requires proprietary schools and non-profit private schools wishing to do business or solicit students in Georgia to obtain Certificates of Approval; requires schools to be bonded; authorizes the State Board of Education to adopt rules and regulations for enforcement of the Act; specifies some minimum standards for approval.

Basic coverage: Private non-degree granting

GA-01-1

Guidelines and Standards for Proprietary Schools

Effective date: 1974

Stated purpose: Same as above; in addition, "...minimum standards of operation must be maintained by all schools to insure educational programs of high quality which will be of benefit to the student, the school and the State." (p. 17)

Basic effect: Covers, with some slight alterations, same major areas as the Act; sets further minimum standards for operation of proprietary schools.

GA-03

Standard requirements for colleges; certificate for charter; Section 32-415 of Georgia School Laws

Effective date: 1937

Stated purpose:

Basic effect: Authorizes the State Board of Education to prescribe standard requirements for institutions conferring degrees or issuing diplomas, and to withhold granting charters to institutions to award degree or diplomas until applicants have obtained from the Board a certificate showing such requirements have been met.

Basic coverage: Public and private degree granting

GA-03-1

Standards for Junior Colleges

Effective date: 22 January 1949; revised 18 November 1959

Stated purpose: To serve as a basis for recommending the granting of charters to new or proposed higher educational institutions and for preparing a list of approved educational institutions for the state.

Basic effect: States the requirements for admission and graduation, record keeping, faculty qualifications, facilities, financial support, and curriculum standards prescribed by the State Board of Education.

Basic coverage: Public and private junior colleges

GA-03-2

Standards for Georgia Colleges

Effective date: 22 January 1949; revised 18 November 1959

Stated purpose: To serve as a basis for recommending the granting of charters to new or proposed higher educational institutions and for preparing a list of approved educational universities, colleges, or professional schools issuing a diploma or degree.

Basic effect: States the requirements for admission and graduation, record-keeping, faculty qualifications, financial support, facilities, and curriculum standards prescribed by the State Board of Education.

Basic coverage: Public and private higher education institutions

GA-02

Junior College Act of 1958

Effective date: 20 February 1958

Stated purpose: An act "...to provide for a system of junior colleges...for the establishment and operation of junior colleges...and for payment of State funds for the operation of colleges established and operating under this Act." (pp. 47-48)

Basic effect: Authorizes the Board of Regents to adopt rules and regulations pertaining to the establishing and operating of junior colleges by political subdivisions and provides for state aid based on the compliance of junior colleges to policies and standards prescribed by the Board.

Basic coverage: Public degree and non-degree granting (2-year institutions)

GA-02-1

Policies of the Board of Regents: University System of Georgia Junior Colleges (C-8)

Effective date: Revised July 1976

Stated purpose: "Board of Regents shall retain jurisdiction and control of all junior colleges of the University system,..." and "...in conformity with authority granted by the Junior College Act of 1958 shall establish certain criteria as minimum standards under which colleges may be approved to receive state aid...." (p. 34)

Basic effect: Establishes specific criteria for public junior colleges pertaining to enrollment, fees, budgets, facilities, faculty, and governance.

GA-04

Creation of Board of Regents

Effective date: January 1932; includes policy revisions to 1976

Stated purpose: To give broad jurisdiction over all of the publicly-supported institutions of higher learning in the state.

Basic effect: Board has power to govern, control, and manage state institutions of higher education and to abolish or establish new institutions.

Basic coverage: Public degree and non-degree granting (University System only)

No further abstract prepared.

GA-04-1

Policies of the Board of Regents, University System of Georgia

Revised: July 1976

Stated purpose: "...to provide...the general policies of the Board of Regents assembled from the laws of the State..., [and the] bylaws of the Board...." (p. i)

Basic effect: Stipulates policy for academic qualifications of faculty, student admission procedures, curricula, budgetary procedures, and refunds.

GA-01

2. Application (GA-01):

"No person shall: (1) Operate a school without a Certificate of Approval issued by the Administrator [;] (2) Solicit prospective students without being bonded as required...[;] (3) Make...any...representation...in connection with the offerings or publicizing of a course, if such person knows or reasonably should have known the...representation to be false, deceptive, substantially inaccurate or misleading [;] (4) Promise or guarantee employment...unless...a bona fide contract of employment agreeing to employ said student or prospective student for a specified period of time in [an appropriate business is offered; or] (5) Do any act constituting part of the conduct...of a course, or the obtaining of students therefor, if such person knows or reasonably should know that any phase...of the course is being carried on by the use of fraud, deception or other misrepresentation, or by any person soliciting students without a permit." (p. 9)
NOTE: No specific agent's permit is mentioned, however.

"Administrator" means the State Board of Education or its designee(s). (p. 2)

"School" means a residence or correspondence school which operates or solicits within Georgia and which is not exempt. (p. 1) A school may not begin operation until its Certificate of Approval is received. (p. 7) "Schools operated ...on a nonprofit basis" are specifically included. (p. 1)

Exemptions:

a. Public schools (supported primarily by taxation).
b. Private, nontax-supported kindergartens, elementary, or high schools.
c. Non-profit schools operated by religious, denominational, eleemosynary, or similar public institutions exempt from state property taxes. Such schools may choose to apply for approval, and after approval shall become subject to the Act. (p. 2)
d. Programs offering purely avocational or recreational instruction as determined by the Administrator.
e. Programs given by employers for their own employees which charge no tuition.
f. Instruction sponsored by recognized trade, business, or professional organizations with closed membership for members, which charges no tuition.
g. Private colleges and universities which award a bachelor's or higher degree whose programs grant credits, a majority of which must be transferable to a State Department of Education-approved college, junior college, or university.
h. Schools which are regulated or approved under other state laws, including schools under State Examining Boards. These may choose to apply for approval and upon approval, shall be subject to the Act.
i. A course or courses of special study or instruction financed in whole or in part by a local or state government, private industry, or by any person, firm, association or other agency, other than the student involved, on a contract basis and having a closed enrollment; provided, however, that a school financed in whole or in part by federal or spe-

cial funds may apply to the Administrator for exemption from the provisions of this Act and may be declared exempt by the Administrator where he finds the operation of such school to be outside the purview of this Act.

j. Schools which have done business nationally for at least 60 years and in Georgia for at least 25 years.

k. Private colleges and universities located in foreign countries which award degrees and operate educational programs, provided a $50,000 bond is filed with the Secretary of State.

l. FAA-approved flight schools. (p. 3)

NOTE: Degree granting (bachelor's or higher) schools are subject to the Act if they do not meet requirements regarding transfer of credits to accredited schools. (p. 3)

NOTE: See 4a, item 3 regarding approval of accredited schools.

3. Coverage (GA-01):

Minimum standards shall be adopted to insure that:

a.

b. • Courses, curriculum, and instruction shall be of sufficient quality, content, and length to achieve their stated objectives.

c. • Upon completion of training, the student shall be given a certificate indicating satisfactory completion.

d. • The school shall have adequate personnel to provide training of good quality.
   • Educational and experience qualifications of administrators and instructors shall be such that training is consistent with program objectives. (p. 5)
   • School personnel and agents shall be of good reputation and character. (p. 6)

e. • The school shall have adequate space, equipment, and instructional material to provide training of good quality. (p. 5)
   • Schools shall comply with fire, building, sanitation, and other applicable regulations.

f. • The school shall be financially stable and capable of fulfilling its commitments for training. (p. 6)
   • A blanket bond in the sum of $10,000 must be filed with the Administration before a Certificate of Approval will be granted; in lieu of this, any other similar certificate or evidence of indebtedness meeting the requirements for the bond and acceptable to the Administrator may be filed. A bond shall be a corporate surety bond issued by a company authorized to do business in Georgia, and its obligation shall be that the school and its personnel shall not violate this Act nor its regulations. The Administrator, for good cause and on advice of the Commission, may waive these requirements for schools operating wholly or in part under a Federal grant where no tuition is charged. (pp. 7, 8)

g.

h. • A copy of the schedule of tuition, fees, other charges, and settlement policy shall be part of the original student contract.
   • Regulations on conduct, absence, grading policy, rules of operation, and course outline shall be furnished the student upon entry into classes. (p. 5)

i. • The school shall not utilize advertising that is erroneous or misleading by statement, omission, or intimation, and shall not violate minimum advertising standards. (p. 6)

j. • The school shall maintain written records of previous student education and training and, where warranted by skills or achievement tests, shorten its required training period. (p. 5)

• Adequate records shall be kept to show attendance, progress, or grades.

k.

l. • Schools shall have reasonable and proper policies for refund of unused portions of tuition, fees, and other charges when a student does not begin or withdraws from a course. Policies shall take into account school costs that do not diminish by a student's withdrawal.

m.

n. • Schools shall enforce satisfactory standards related to attendance, progress, and conduct. (p. 6)

4. Administration (GA-01):

a. • The Proprietary School Advisory Commission acts as advisor to the State Board of Education by developing rules and regulations, recommending changes in the law, conducting studies to assist in carrying out the intent of this Act, conducting investigations including visitation of schools, and making recommendations to the Board regarding approval of schools. It also recommends policies and minimum standards to the Board. (pp. 3, 4)

• The State Board of Education administers this Act, adopts rules and regulations for administration and enforcement with advice of the Commission, delegates authority as it deems necessary to the State Superintendent of Schools or others to carry out this Act, and issues Certificates of Approval to applicants who meet requirements. (p. 4)

• The Administrator issues Certificates of Approval containing prescribed information (see Section 2 for definition of "Administrator") to schools meeting requirements, and shall issue such certificate to any school accredited by a USOE-recognized agency. (p. 5)

• The Administrator, for good cause and with the advice of the Commission, may amend, modify, or substitute terms of the criteria in special cases. (p. 6)

• Thirty days prior to Certificate expiration, the Administrator sends renewal applications to schools setting forth requirements, if any, for revised or additional information from a school. (p. 7)

• The Administrator may deny, revoke, or impose conditions upon the continuation of approval. (pp. 7, 8)

b.

c. • Schools shall make written application for approval on forms provided, accompanied by information and data prescribed in regulations to be adopted (including the bond described in 3f).

• If ownership changes, the new owners shall apply for a new Certificate of Approval within 10 days. (p. 7)

• Proof of compliance with fire, building, and sanitation codes may be required. (p. 6)

d. • A Certificate of Approval shall be issued for not more than 1 year. (p. 6)

e. • Initial fee shall be $100; renewal fee, $50. (p. 10)

f.
- The Administrator may place reasonable conditions upon continued approval, after notifying the school and affording a hearing date. (p. 7)
- See 4a, item 4.
- The Administrator shall grant to applicant schools extensions of time to eliminate reasons for denial of approval if they have demonstrated satisfactory desire to meet minimum requirements. (p. 7)

g.
- The Board shall maintain a list of approved schools and agents for public information. (p. 10)

5. Enforcement (GA-01):

a.
- The Administrator denies Certificates of Approval, and imposes conditions on and revokes licenses after proper hearing. (pp. 7, 8)
- The Attorney General or District Attorneys of Superior Courts may, at Board request or on their own motion, bring any appropriate action in court for enforcement of this Act.
- The Board may, upon its own motion or written complaint from any person, file a petition for injunction. (p. 9)

b.
- See 5a, item 3.

c.
- Certificates of Approval may be revoked or renewal may be denied, for cause.
- Certificates of Approval shall not be issued unless the school meets minimum standards of this Act and regulations. (p. 5)
- If the Administrator decides to deny approval or renewal of approval, written reasons must be sent to the applicant. The Administrator shall grant extension of time as described in 4f, item 3.
- Certificates of Approval may be revoked or placed under reasonable conditions if the Administrator has cause to believe that the school has violated the Act or rules and regulations. Prior to revocation or imposition of conditions, the Administrator shall notify the school in writing, setting forth grounds, and affording a hearing date at least 30 days hence.
- The Administrator shall render to the school a written determination regarding denial or imposition of conditions within 30 days. (p. 7)
- The school may appeal any written decision of the Board by written request for a hearing before the Board, at which it may employ counsel, present evidence, and cross-examine witnesses. Time limitations are specified for each step. If the school does not so request, the Board's determination shall be entered as final. (pp. 8, 9)
- If the Board denies or revokes a Certificate, the school may appeal to the state courts. (p. 9)

d.
- Contracts made when the school is not under a Certificate of Approval shall be unenforceable. (p. 5)
- A school whose Certificate of Approval is denied must suspend operations upon receipt of notice pending appeal, except for the extension of time described in 4f, item 3. (p. 7)
- Bonds shall be to the state for the benefit of any person or agency which may suffer expense or damage by breach thereof. They shall be conditioned that the parties thereto shall pay all damages which any agency or person may sustain from school violation of the Act or regulations. Aggregate liability of the surety shall not exceed $10,000. (pp. 7, 8)
- The existence of a bond or certificate of indebtedness shall not limit any other right of recovery, and its amount shall not be relevant in determining the amount of damages due the plaintiff. (p. 8)

- Any person violating the basic prohibitions of this Act shall be guilty of a misdemeanor for each day a prohibited act continues, and shall be punished by imprisonment not to exceed 1 year or a fine not to exceed $1,000. (p. 9)
- The Board shall not have to prove that it has no adequate remedy at law in order to obtain an injunction. (p. 9)
- The right of injunction shall be in addition to any other legal remedy the Board has and in addition to any right of criminal prosecution provided by law. (p. 10)

e. • Schools shall file bonds with the Secretary of State and consent to service with respect thereto. (p. 3)

GA-01-1

2. Application (GA-01-1):

"No person shall operate a proprietary school (as defined in the Act), advertise, solicit for or conduct any course of instruction in Georgia without obtaining a Certificate of Approval from the Administration." (p. 10)

"Any representative of a proprietary school who directly procures...enrollees for the school by solicitation within or without this State shall be authorized by his school director." (p. 11)

"Administrator" means the State Superintendent of Schools.

Exemptions: Same as GA-01, except:

i. Has different wording as follows:
"A course or courses of special study or instruction financed in whole or in part by (a) local or State government, private industry or by any person, firm, association or other agency, other than the student involved, on a contract basis and having a closed enrollment shall be exempt from the provisions of the Act. However, a school financed in whole or in part by federal or special funds may apply to the Administrator for exemption of such course or courses from the provisions of the Law and may be declared exempt by the Administrator where he finds the operation of such school to be outside the purview of this Act." (p. 10)

h. In this document, it applies to any exempted school. (p. 11)

3. Coverage (GA-01-1):

a.
- Schools shall clearly and simply state educational goals. (p. 22)

b.
- See 3b, GA-01.
- Course content, length, and instructional methods shall be of such nature and quality to reasonably insure that students will adequately develop job skills, knowledge of occupational information, and safety practices necessary for obtaining employment.
- Classes shall be offered and scheduled so that students can complete the program in the time and under the enrollment conditions stated in the school bulletin. (p. 22)

c.
- See 3c, GA-01.
- The school shall not issue certificates of completion which misrepresent the content of a course or other material facts or the student's accomplishment.
- The school shall not confer academic, professional, or occupational degrees if the awarding of degrees has not been authorized by an appropriate state educational agency. (p. 27)

d.
- See GA-01, 3d, items 1 and 2. GA-01, 3d, item 3 also applies with the words "as determined by evidence submitted" added. (p. 13)
- The school shall designate one person as director who is responsible for administration.
- School director and staff shall be either college or university graduates or have sufficient background and training in their areas of

responsibility. (p. 17)

- Instructors shall have backgrounds of education and/or occupational experience in their areas to show adequate competency to instruct students so they achieve stated course objectives. Initial employment shall be based on recent educational or occupational background to assure up-to-date knowledge in their fields.
- Instructional staff shall keep abreast of new developments in their fields and teaching methods.

NOTE: Special qualifications for instructors are stated in the following fields: (1) secretarial, accounting, office training, and modeling and finishing; (2) radio-TV repair, drafting, auto mechanics, welding, commercial art and design, air conditioning and refrigeration, machinist, appliance or machine repair, and building trades; (3) electronic technology, data processing, and computer programming; (4) language, art, and music; (5) religious or theological education; and (6) medical or dental assisting, medical or X-ray technician, and practical nursing. (pp. 18, 19)

e.

- See GA-01, 3e, items 1 and 2.
- Equipment shall be determined by the occupational objective and comparable to that found in actual occupations.
- The school shall provide adequate equipment in good working order and with proper safety devices.
- Equipment shall be of sufficient quantity and quality to meet maximum authorized class enrollment.
- Schools shall certify on their applications that facilities and school-sponsored housing meet all applicable codes. (p. 30)

f.

- See GA-01, 3f, item 1.
- The school and principal owner(s) shall demonstrate sufficient financial stability to carry out a satisfactory educational program on a continuing basis. (p. 30)

g.

- The school shall adopt entrance requirements for each course and have them reviewed by the Administrator. (p. 19)
- The school shall be prepared to justify its actions in accepting enrollment of unqualified students.
- The school shall provide a special developmental program for unqualified students it enrolls. (p. 20)
- The school shall establish student qualifications for successful assimilation of subject matter and accept only qualified applicants. (p. 27)

h.

- See GA-01, 3h, item 1.
- See GA-01, 3h, item 2, except wording is changed to "before or on entry into classes." (p. 12)
- Rules and regulations for conduct, a statement regarding conditions for dismissal, and a statement regarding conditions for re-entrance shall be published and furnished to prospective students prior to their signing a contract. (p. 20)
- All tuition and other charges shall be stated in the catalog and the enrollment contract. (p. 21)
- The school bulletin shall contain clear, simply stated school educational goals and course objectives. Bulletins and other literature shall list courses submitted to the Administrator with the application. If a course is discontinued the Administrator shall be notified and the course removed from the list of approved courses. (pp. 22, 23)
- The school's address (not a post office box) shall appear in catalogs and enrollment contracts. (p. 23)

- School policy regarding delayed progress, make-up work, and standards of satisfactory progress, including class attendance if applicable, are furnished the student prior to a contract's being signed.
- Prior to their enrollment, schools shall provide students with information on the cost of all required or recommended materials or services which are not included in the contract price.
- Residence schools shall provide prospective students with a description of physical facilities, equipment, and usual class size. (p. 28)
- If the school represents that it offers placement assistance, it shall furnish prospective students with a detailed description of such assistance, including a disclaimer of guaranteed employment.
- All material facts regarding the school and its program which are reasonably likely to affect a prospective student's decision to enroll shall be furnished to each prospective student.
- Policies pertaining to probation and attendance shall be published. (p. 29)

1. • See 31, GA-01.

- Proprietary school representatives who directly solicit and procure enrollees within or without the state shall be authorized by the school director and carry identification cards issued by the school director. (p. 11)
- All advertisements and promotional literature shall be completely truthful and refrain from false, misleading, or exaggerated impressions of the school, personnel, courses and services, or occupational opportunities for graduates.
- All advertising and literature shall contain full and correct name and location of school.
- The school shall be prepared to verify everything used in advertisements or literature from its records.
- All advertisements and literature shall clearly indicate that training is being offered, not employment.
- Letters of endorsement used anywhere must be by prior consent, must portray currently correct conditions, must accurately reflect current school practices or employment opportunities, and must be on file for inspection. Remuneration shall not be made for consent or for use of the endorsement. (p. 23)
- Schools shall not use advertisements or literature which are classified, or captioned, "men wanted to train for," "help wanted," "employment," "business opportunity," or similar terms. Only "education," "schools," "instruction," or similar headings may be used. The former classifications may be used only to advertise for employees or representatives for the school. (pp. 22, 23)
- If the word "guarantee" is used, full explanation must be given.
- The word "free" shall not be used to describe anything regularly included in the school's program or services.
- The only authorized reference to FISL financing is "Eligible Institution under Federally Insured Student Loan Program."
- Advertisements may not be used to sell loans, such as "Learn now, Pay later," or "Government Loans Available."
- Correspondence schools must clearly and conspicuously disclose such in immediate conjunction with their business names. Schools offering both resident and correspondence training must clearly and conspicuously identify correspondence training in all advertisements and literature unless they pertain solely to its resident program. (p. 24)
- Schools shall not misrepresent the extent or nature of any state agency's approval or of accreditation by a nationally recognized association. If

an accredited school offers any non-accredited courses, all advertisements and literature shall clearly and conspicuously disclose this when any reference to accreditation is made.

- The school shall not represent, unless such is the fact, that: (1) students may transfer credits to an accredited school; (2) a course is approved by a union or industry or for the receipt of a state or federal license; or (3) its courses are recommended by vocational counselors, schools or educational organizations, employment agencies, or industry, or that it has been the subject of unsolicited testimonials from anyone.
- The school shall not misrepresent in any manner its size, location, facilities, equipment, or the number and educational qualifications of any personnel. (p. 25)
- The school shall not falsely represent that it operates or supervises a dormitory, eating establishment, or other living accomodations.
- The school shall not misrepresent part- or full-time employment opportunities during the period of instruction, its assistance in procuring such, or any other form of financial assistance.
- The school shall not misrepresent the nature or extent of association of any person with the school or its courses, or of any personal instruction or assistance it provides students during or after a course.
- Schools shall not misrepresent that they recently have revised courses nor their ability to do so.
- Schools shall not misrepresent the nature of prerequisites for enrollment, limitations on numbers of students within a particular area or overall number that they will accept, or limitations on periods of time or deadline dates for applications. (p. 26)
- Schools shall not deceptively refer to sales representatives as "registrars," "counselors," "advisors," or similar words.
- A school shall not represent that it is conducting a talent hunt, contest, or similar test unless such is the fact, and it must clearly disclose its name, address, and the fact that it is a school.
- The school shall not falsely represent that courses are being offered at a discount.
- Schools shall not deceive students or prospective students regarding the cost of courses or other items associated therewith. (p. 27)
- Schools shall not falsely represent that they offer partial or full scholarships. (p. 28)

j.
- See GA-01, 3j, item 1; wording changed to "maintain and utilize." (p. 12)
- See GA-01, 3j, item 2.
- A personnel file shall be maintained for each employee. (p. 18)
- The school shall maintain permanent student records providing complete and useful information including courses taken, credit and/or grades, dates of attendance, certificates or degrees earned, and other pertinent information. If a school ceases operation, such records shall be surrendered to the State of Georgia, Department of Archives and History. (p. 30)
- Correspondence schools shall maintain progress evaluation systems, including date of lesson mailing, date of assignment, receipt, grade on each lesson, and number of lessons per course. (p. 31)
- Progress evaluation records shall be such that they permit a determination of whether progress is satisfactory for completion of the course within the time allotted. (p. 29)

k.
- Schools shall not use deceptive representations or means to collect tuition or other charges.
- Schools shall not attempt to collect on contracts whose terms were mis-

represented when or before the contract was signed, either by obtaining a judgment or assigning the contract to a third party for collection. (p. 28)

l. - See 31, GA-01; wording changed to "Schools shall have and publish in the enrollment contract...." (p. 13)
   - The following refund policy, which is not applicable to dormitory fees, shall be maintained by residence schools: (1) an applicant requesting cancellation within 3 days shall have all monies returned; (2) an applicant requesting cancellation after 10 days and who has not started classes is entitled to a refund of monies paid, minus a registration fee of 15% of contract price, up to $100; (3) an attending student who terminates in the first week may be charged no more than 10% of contract price plus $100, up to $300; (4) a student terminating after one week but within 25% of the course may be charged no more than 25% of the contract price, plus $100; (5) a student terminating after 25% but before 50% of the course may be charged no more than 50% of the course, plus $100; (6) after half the course is completed, the student is obligated for the full contract price; and (7) in case of student injury, prolonged illness, or death in the family or similar circumstances, schools shall make settlements which are reasonable and fair to student and school. (pp. 21, 22)
   - The following refund policy shall be maintained by correspondence schools: (1) an applicant requesting cancellation in any manner within 72 hours after midnight on the day of signature on the enrollment agreement shall be refunded all monies; (2) student cancellation between that time and receipt of the student's first lesson by the school shall entitle the school to a registration fee of no more than 10% of the tuition, up to $50; (3) if within 6 months of enrollment no lesson or written request for continuation is received for 90 days, a school may cancel the contract and keep tuition in the same proportions as may residence schools, plus registration fee (see 4, 5, and 6 of above item), where "course completed" equals lessons received by the school compared to total lessons in the course; (5) refunds must be made within 30 days; and (6) students shall be entitled to special consideration when in circumstances described in 7 of above item. (pp. 31, 32)

m. - See several items under 3i above regarding misrepresentation of placement services.

n. - See 3i, GA-01.
   - Schools shall have systems of evaluation to ascertain student progress and shall stipulate what is considered unsatisfactory or failing performance. (p. 29)
   - Schools are encouraged to make facilities accessible to and usable by the physically handicapped. (p. 30)

4. Administration (GA-01-1):

a. - The Georgia Board of Education evaluates each school according to the above standards of practice, taking into consideration educational, promotional, and ethical practices of the school. (p. 7)
   - The Administrator (the State Superintendent of Schools) determines applicants to be acceptable or unacceptable, approves schools which satisfactorily meet minimum standards, and issues Certificates of Approval. (pp. 11, 13)
   - The Administrator may visit applicant schools as necessary.
   - The Administrator determines applicants who are accredited by a USOE-recognized agency to be acceptable. (p. 13)

- The Administrator reviews entrnace requirements adopted for each course. (p. 19)

b.
- Review and consideration of applications shall include on-site evaluation when deemed necessary; however, an on-site evaluation shall be conducted at least once in every 5-year period, beginning from the application date. (p. 13)

c.
- Schools shall make written application on forms provided for a Certificate of Approval; renewal applications shall be filed at least 30 days prior to Certificate expiration. New owners shall meet all requirements for an original Certificate within 10 days.
- School directors shall file duplicate copies of agent I.D. cards with the Administrator. (p. 11)
- Applications shall be accompanied by required bond (see 3l, GA-01) and required fee (see 4e, GA-01). (p. 13)
- Approved schools may present applications for approval of additional courses, accompanied by required attachments. These must be submitted at least 30 days before implementation. (p. 14)
- Schools shall evaluate themselves on each standard set forth by means of "Yes," "No," or "N/A" recorded in the appropriate space on the application form. These are later to be transferred to a summary of self-evaluation inventory form which must be certified true and accurate by the director. If "no" is anywhere indicated, a plan to eliminate the deficiency must be included. (p. 17)
- Exhibits to accompany the summary form shall be as follows: Exhibit A shall be the Personnel Data Inventory; B shall be the entrance requirements for each course; C shall be copies of the information furnished each student; D shall be the student contract; E shall be the Program of Instruction outline; F shall be bulletins and other promotional literature; G shall be a speciman certificate or diploma; I (sic) shall be a description of school facilities, equipment, and class size for residence schools; J shall be a description of placement services and disclaimer of guaranteed employment; K shall be a statement of financial resources; L is for correspondence schools only and shall include policies on evaluation and refunds (see 3j, 3l, and 3n above); M, for correspondence schools only, shall be the documents used for progress evaluation system. Other information to be included shall be: statement of financial position (Balance Sheet) and statement of results of operation for both original and renewal applications; and school certification that codes such as fire, building, and sanitation are met. (pp. 17-31)
- Schools shall make available for inspection all records and other necessary data required for approval. (p. 31)

d.
- See GA-01, 4d.
- Agent I.D. cards are valid upon Administrator receipt of duplicate copies and until cancellation by the school or expiration of school approval. (p. 11)

e.
- See GA-01, 4e.

f.
- A school whose application is unacceptable may take immediate steps to correct discrepancies and shall be granted a specified time in which to do so. If it fails, its operations shall be suspended until a Certificate of Approval is granted. (p. 14)

5. Enforcement (GA-01-1):

a.
- The Administrator may revoke or make conditional a Certificate after a proper hearing. (p. 15)

b.

c.
- See GA-01, 5c, all items.
- See 4d.
- See 4f.

GA-03

2. Application (GA-03):

"...no charter granting the right to confer...degrees or diplomas shall be granted...until the applicants...have obtained from the State Board of Education a certificate showing that [standard] requirements of the Board have been met." (p. 50)

Includes universities, colleges, normal, or professional schools conferring degrees or issuing diplomas in the state.

NOTE: "Accredited" and "approved" seem to be sometimes used interchangeably.

GA-03-1

2. Application (GA-03-1):

No basic prohibition.

Junior colleges may not grant any degree other than the associate degree.

Standards should not operate to prevent establishment of worthy new enterprises nor to deny opportunities for development to worthy operating schools. (p. 1)

3. Coverage (GA-03-1):

a.
- Character of curriculum, breadth of study, soundness of scholarship, free and scientific spirit, loyalty to facts, encouragement of efficiency, initiative and originality in investigation and teaching, good morals and ideals, and satisfaction and enthusiasm among staff and students shall be factors in determining its standards.
- Extra-curricular activities and student organizations shall be controlled by school officials who shall not delegate responsibility for appointing staff or financial control, and conducted by appropriate faculty members, who shall not receive financial remuneration above that of other faculty of similar rank.
- Schools having professional or technical departments shall not be accepted for the approved list unless such departments are of approved grade (by national standards when available.) (p. 5)
- Schools should have a registration of at least 100 students; lower enrollment must be justified by the college.

b.
- Two-year academic curricula shall be equivalent to those offered in the first two years of an accredited four-year college. Instruction shall be offered in at least five fields of instruction. (p. 2, 3)

c.
- Graduation requires 90 quarter hours of credit or the equivalent and further qualitative requirements depending on school conditions. Quarter hour is defined. (p. 2)

d.
- Junior college instructors of academic subjects shall have an M.A. or equivalent and teach in their fields of academic specialization.
- Faculty-student ratio should, in general, be 1:25. At least five instructors shall give the major portion of their time to upper level instruction. Class size should not exceed 30.
- Teaching schedules exceeding 18 clock hours per week will be interpreted as endangering educational efficiency; 16 hours is the recommended maximum but non-teaching duties, needed preparation and study time, and/or high school teaching duties shall be taken into account. (p. 3)
- Library should have a full-time professional librarian. (p. 4)

e.
- Schools should have libraries of at least 6,000 relevant volumes and a yearly appropriation for purchase of new books. Well-lighted reading space for 20% of students should be provided.
- Laboratories should be equipped for individualized instruction.
- Classrooms, libraries, labs, and residence halls should conform to the state safety code and utilize necessary safety devices. (p. 4)

f.
- Minimum annual operating income for an accredited junior college should be $15,000. Junior colleges without support from stable sources such as endowment, church, state, or public sources must show, for at least 3

years preceding application for accreditation, a minimum annual net surplus of $15,000 from non-educational services. Income spent for direct educational purposes should not be less than $250 for each full-time student for the first 100 students and $200 for each additional student. Increases in faculty, student body, and scope of instruction should be accompanied by corresponding increases in income from such stable sources.

- Annual appropriation for new books should be $4 per student or at least $500.
- Schools shall have funds for maintenance and repair of buildings. (p. 4)
- Business records should be based on an officially adopted budget, easily auditable, and should provide ample safeguards for funds. (p. 3)
- School financial status should be judged in relation to its educational program. (p. 4)

g. • Entrance requirements shall be satisfactory completion of a 4-year course in a secondary school approved by a recognized accrediting agency, with at least 18 units from an accredited high school, or the equivalent shown by examination. (p. 2)

h.

i.

j. • A permanent record system shall be carefully kept, clearly showing credits and entrance records, and including files of admission, matriculation, attendance and scholarship records, transcripts received, and other essential data. (p. 2)
- Faculty member records should be kept showing period of service, advancements, evidence of professional growth, advanced study, research and publications, noteworth achievements, and instructional experiences. (p. 3)

k.

l.

m.

n. • Consideration should be given to the following for faculty: retirement allowances, health insurance, sick leave, and other leave; methods of selection and appointment; tenure; and provisions for professional growth. (p. 3)

4. Administration (GA-03-1):

a. • The State Board of Education adopts standards such as those above to fulfill stated purposes of these regulations (see Section 1 above).

b.

c. • In order to be placed on the approved list, schools must file regular information blanks. These shall also be filed for each of the 3 years after approval, and triennially thereafter.
- Schools shall be inspected and reported upon by acceptable agents prior to being placed on the approved list, and shall be open to inspection at any time. (p. 5)

d.

e.

f.

g. • The Board prepares a list of approved schools for the state. (p. 1)

5. Enforcement (GA-03-1):

a.

b.

c.
- Failure to file the blank as required shall be cause for dropping an institution.
- No college will be placed on the approved list until it has been inspected and reported upon by acceptable agents, or unless the professional or technical departments it has are of approved grade, using national standards when available. (p. 5)
- Number of students registered in the final year, noted over several years, will constitute ground for dropping a school from the accredited list. (p. 4)

6. Other (GA-03-1):

Last items under 3a and 5c imply use of need as a criterion.

GA-03-2

2. Application (GA-03-2):

No basic prohibition.

"College" refers to 4-year degree granting schools.

3. Coverage (GA-03-2):

a.
- See GA-03-1, 3a, item 1.
- See GA-03-1, 3a, item 2; last half of point, beginning "and conducted" is omitted in this document. (p. 4)
- The board of trustees should be chosen because of willingness and ability to serve the college unselfishly. The college president or executive officer should have final responsibility for college administration. Nepotism in appointments should be strictly avoided. (p. 3)
- Small institutions (500 or less) should be confined to one or two baccalaureate degrees, and colleges with limited resources and inadequate facilities for graduate work should be confined to undergraduate courses. Institutions offering graduate instruction must meet Standard 17 of the Southern Association.
- College shall be administratively distinct from high schools in curricula, faculty, and operation, and at least the last two years shall be of special, professional, or graduate instruction.

b.
- Colleges of arts and sciences of 100 full-time students should maintain at least eight separate fields of instruction.
- Development of varied curricula should involve addition of other heads of departments. (p. 2)

c.
- See 3c, GA-03-1.
- When more than one baccalaureate degree is offered, all shall be equal in graduation requirements. (p. 2)

d.
- Colleges as in 3b, item 1 above should have at least one full-time professor in each field of instruction, and correspondingly more with more students.
- Size of faculty should bear definite relation to school type, number of students, and number of courses.
- Department heads should have a doctorate or equivalent. Other staff should have a master's degree or equivalent.
- Sixteen credit hours or equivalent shall be the maximum teaching load, with preparation and study time, number of students, extension, correspondence or other teaching, honors programs, and non-teaching duties to be taken into account. (p. 2)
- Library should have a full-time professional librarian and other staff should also be qualified. (p. 3)

e.
- Library collection should effectively support the current instruction and purposes of the college. Even a small college with 300 or less students should have at least 12,000 volumes. Microfilms are considered part of the "book" resources.
- Classrooms, libraries, labs, and residence halls should conform to state safety regulations. Lighting, heating, ventilation, and sanitation should provide individual work spaces and necessary supplies for each. (p. 3)

f. • Schools with 300 or fewer students should have minimum annual operating incomes, exclusive of interest payments, annuities, etc. of $40,000 from stable sources other than from students. For each additional 100 students or major fraction thereof, $4,000 more in stable income should exist.
   • Minimum annual expenditure per student on library resources, supplies, and staff salaries should be $30.
   • Financial provision should be made for regular maintenance and repair of buildings and equipment.
   • No one college officer or trustee should make all investments or handle all finances. (p. 3)
   • A budget should be carefully prepared each year, centralized purchases provided, and complete records kept. (p. 4)

g. • See 3g, GA-03-1.
   • Written admissions policies should include the basis for selection of students.
   • Persons may be admitted as special students if college authorities are satisfied they can carry courses satisfactorily. They shall not be admitted to bachelor's candidacy until all entrance credits have been satisfied. (p. 1)
   • If a school offers more than one baccalaureate degree, admission requirements shall be the same for each. (p. 2)

h.

i.

j. • A permanent record system shall be carefully kept clearly showing all credits, entrance records, original credentials from other schools with explanations, and records of graduates. (p. 2)

k.

l.

m.

n. • Sound principles of tenure should be in operation. (p. 3)

4. Administration (GA-03-2):

a. • See GA-03-1, 4a.

b.

c. • See GA-03-1, 4c.
   • Approved colleges may be required to file new reports at any time. (p. 4)

d.

e.

f.

g. • See GA-03-1, 4g.

5. Enforcement (GA-03-2):

a.

b.

c. • See GA-03-1, 5c, items 1 and 2. For item 2, this document mentions the college of arts and sciences as not approvable unless professional and technical departments are approved. (p. 4)

GA-02

2. Application (GA-02):

Junior colleges (public, constructed and operated by a local operating authority)

Basic prohibition: No junior college established or operated under this Act shall be a unit of the University System of Georgia. (p. 50)

3. Coverage (GA-03):

a. ● "Junior college" shall mean a community educational institution constructed and operated by a local operating authority, which shall offer a course of study extending beyond the high school level providing either preparation for further college or terminal education, or both. (p. 48)

4. Administration (GA-03):

a. ● The Board shall have the authority to supervise and to make inspections to insure that policies are met.

b.

c. ● If a junior college fails to comply with prescribed policies and standards, the Board shall have the authority to withhold or terminate the payment of any state funds.

d. ● The Board may cease operation of any school established under this Act at any time and thereafter no funds shall be payable to the local operating authority. (p. 50)

GA-02-1

2. Application (GA-02-1):

Minimum standards apply to public junior colleges approved to receive state aid under provisions of H.B. 686 (GA-02) and those brought in as units of the University System of Georgia (GA-04).

3. Coverage (GA-02-1):

a. ● Criteria shall guarantee that approved colleges afford maximum service at a minimum per-student cost, and are capable of providing education of high quality to residents. (p. 34)
b. ● All curricula must be of junior college level; both college and terminal curricula of one and two years may be offered. Statements of aims and objectives must be available, and all curricula are to be specifically approved and/or discontinued by the Regents. (pp. 37-38)
c. ● Junior colleges of the University System shall be authorized to confer the associate degree. (p. 43)
d. ● All faculty shall have masters' degrees or equivalents and courses taught by instructors shall be in field of specialization. Full-time faculty teaching loads shall average 15 credit hours. (pp. 40-41)
e. ● All physical facilities must be adequate; sites and plans must be approved by the Regents. Library facilities should meet standards of the Southern Association. (pp. 36-37)
f. ● Political subdivisions must demonstrate adequate bonding and/or taxing ability to discharge financial obligations. Local contributions must not be less than 25% of the total allotment of state funds. (p. 36)
g.
h.
i.
j.
k. ● Payments of state money to junior colleges will be based on FTE enrollment (minimum of 15 credit hours). (p. 38)

4. Administration (GA-02-1):

a. ● The Board of Regents shall retain jurisdiction and control of all junior colleges of the University System. (p. 34)
b. ● As established criteria [for approved junior colleges] are applied, they shall be reviewed periodically and necessary adjustments shall be made. (p. 35)
c. ● The operating budgets for junior colleges for the fiscal year must be submitted for approval annually by the Regents on or before 1 March.

GA-04-1

2. Application (GA-04-1):

University System of Georgia includes 4 universities, 12 senior institutions, and 14 junior colleges.

Administrative policies (p. 27; C-1) recognizes that academic authorities, rather than the Board of Regents, will prescribe the teaching load, maximum and minimum number of students per class, and define the nature and form of records to be kept on faculty and administration. The Chancellor shall make all inspections and surveys of institutions in the system and report to the Board. (p. 28)

3. Coverage (GA-04-1):

a. ● The Board of Regents is authorized and empowered to consolidate, suspend and/or discontinue institutions, inaugurate or discontinue courses, and abolish or add degrees.
b. ● Institutions in the System shall standardize similar course offerings.
   ● All institutions in the University System shall be on the quarter system, each of which shall consist of not less than 11 weeks (p. 28), and shall be on a 4.0 grade point average system. (p. 32)
c. ● New degree programs shall be approved by the Board. (p. 29)
   ● Graduate schools of the System shall award only such graduate degrees as authorized by the Board. (p. 31)
d. ● Minimum qualifications for faculty for all three classes of institutions shall be the master's degree, with specified exceptions. (p. 117)
e.
f. ● All expenditures of institutions must be approved by the Board before they are made. (p. 61)
g. ● All first year applicants for admission shall be required to take the S.A.T. and have completed a minimum of 16 units of high school work.
   ● There shall be a uniform program of testing and guidance in the System for the purpose of improving system-wide selection procedures. (p. 58)
h. ● All catalogs, bulletins, and other publications issued shall state that "All matriculation charges, board, room...are subject to change at the end of any quarter." (p. 105)
i.
j.
k. ● Fees charged students shall only be those approved by the Board. (p. 166)
l. ● Special refund policies for a particular institution must be approved by the Regents. The policy for tuition refund shall be 80% for withdrawal during the first week pro rated to no refund after 4 weeks have elapsed. (p. 108)

4. Administration (GA-04-1):

a.
b.
c. ● A financial report of the University System prepared by the Treasurer shall be published annually. (p. 74)

HAWAII

1. Identification

HI-01

Chapter 446D, Hawaii Revised Statutes of the Degree Granting Institutions (Act 169, S.L.H. 1971)

Effective date: 1 September 1971

Stated purpose: "...to prevent the establishment of educational institutions which engage in the outright sale of degrees and make no pretense of requiring any kind of academic achievement and those institutions which grant degrees based on an obviously inadequate course of study." (p. 1)

Basic effect: Requires schools to be licensed in order to grant degrees; restricts use of terms.

Basic coverage: Private degree granting

HI-02

Hawaii Revised Statutes, Chapter 300; Technical and Vocational Training, Part III: Private Trade, Technical and Vocational Schools

Effective date:

Stated purpose: None in this part.

Basic effect: Requires private trade, technical, and vocational schools to be licensed.

Basic coverage: Private non-degree granting

HI-02-1

Rule 46 Relating to the Licensing of Private Trade, Vocational or Technical Schools

Effective date: 18 July 1975

Stated purpose: "...supplements Chapter 300...." (p. 1)

Basic effect: Sets standards that schools shall meet to obtain a license; details procedures and information required in applying for a license; outlines powers of the Department of Education.

HI-03

Hawaii Revised Statutes, 1975 Supplement: Vol. I, Sections 4, 5, Sections 26-11, 26-34; and Vol. 4, Sections 304-3, 4. University of Hawaii; Board of Regents

Effective date: 1959; revised, amended to 1975

Stated purpose: Establishes the University of Hawaii and the Board of Regents which "...shall have the power, in accordance with law, to formulate policy, and to exercise control over the university...."

Basic effect: Authorizes the Board to have general management and control of the affairs of the University of Hawaii system, including community colleges, and to adopt the necessary rules and regulations for its management.

Basic coverage: Public degree and non-degree granting

HI-03-1

By-laws of the Board of Regents, University of Hawaii

Effective date: January 1966; amended to October 1973

Stated purpose:

Basic effect: Specifies the organization of the Board of Regents and its duties in areas such as business and finance, faculty appointments, establishment of colleges and departments, student affairs, and degree granting.

HI-01

2. Application (HI-01):

"A degree or any object in evidence thereof may be awarded only by a degree granting institution which has been licensed by the state.... A degree granting institution whose temporary permit has expired or has been revoked shall no longer grant degrees." (pp. 1, 2)

Exemption:

a. State-maintained degree granting schools.

NOTE: Accreditation or the "three letter rule" is required for licensing, and licensing is valid only for educational programs at a school which is accredited or acceptable.

3. Coverage (HI-01):

a.

b.

c. • Honorary degrees shall be awarded only by licensed or temporarily licensed schools and must be represented and/or clearly marked as honorary. (p. 2)

d.

e.

f.

g.

h.

i. • Persons operating a school may not use in the school name terms implying that the school grants degrees, such as "college," "university," or "junior college," unless it has been licensed or temporarily licensed or the school had been using such terms in its name and had registered that name with the Department of Regulatory Agencies prior to 1 January 1971. (p. 2)

4. Administration (HI-01):

a. • The Director of Regulatory Agencies issues licenses and temporary permits to schools (see NOTE under Section 2); may make rules and regulations for carrying out this chapter, pursuant to the State Administrative Procedures Act; and prescribes the form of applications and determines supporting information required. (pp. 1, 2)

• The Advisory Committee recommends rules and regulations to the Director, recommends schools eligible for temporary permits, advises the Director on all matters pertaining to administration of this chapter, and authorizes representatives to inspect schools.

b.

c. • In order to obtain a license to award degrees, a school must present acceptable evidence that: (1) it is chartered as a nonprofit educational corporation in the state and (2) its educational program has been accredited by a USOE-recognized agency or its credits are accepted as if granted by an accredited school by at least three accredited schools. (p. 1)

- The application shall be in the form the Director prescribes and accompanied by required fees and such supporting information as the Director requires. (p. 2)

d. • The license shall be valid as long as accreditation is maintained, but must be renewed annually on 1 November by payment of fees and submission of information the Director requires to determine continued compliance with this chapter. (p. 2)

e. • Fee for an original application shall be $50; for a renewal, $25. Fees shall be credited to the state General Fund and no part thereof is refundable. (p. 2)

f. • A temporary permit may be issued, valid for 5 years subject to annual renewal, with extensions possible up to 10 years on recommendation by the Advisory Committee and action by the Director. This permit may be issued if the Director and Advisory Committee determine that the applicant's academic and financial plans for working toward accreditation are feasible and acceptable. (p. 1)

5. Enforcement (HI-01):

a. • The Director revokes temporary permits. (p. 1)
   • The Director acting by the Attorney General may proceed by injunction against any violation of this chapter. (p. [illegible])

b.

c. • A temporary permit shall be revoked if the [illegible]der: (1) fails to maintain status as a non-profit educational c[illegible]tion; (2) has presented false or misleading information to obtai[illegible]rmit; (3) fails to pass or refuses to permit inspection of the [illegible] refuses to provide full information requested within the p[illegible]his chapter; or (4) refuses or fails to meet other cond[illegible]blished by regulation. (pp. 1, 2)
   • A license to award degrees shall become [illegible]f accreditation is lost. (p. 1)
   • A temporary permit is not valid longer th[illegible] years.

d. • Persons making false statements in any no[illegible]iled pursuant to accreditation or issuance and renewal of license [illegible] permit fees shall be guilty of perjury. (p. 2)
   • Other violations of this chapter shall be subject to a fine of not more than $500, imprisonment not to exceed [illegible] months, or both. (p. 2)
   • No proceeding to obtain injunction and no order issued within or resulting from injunction shall bar the imposition of any other penalty. (p. 3)

HI-02

2. Application (HI-02):

"No private trade, vocational or technical schools shall be operated by any person...for the purpose of teaching any...occupation...unless there is first secured from the department of education a license issued in accordance with this part...." (p. 19)

Exemptions:

a. Classes conducted by employers for employees where no fee is charged.
b. Courses which are not for profit given by fraternal, benevolent, or professional organizations to members.
c. FAA-qualified flying schools.
d. Classes conducted for less than five students at a time.
e. Classes conducted for 20 or less sessions during 12 months.
f. Avocational, recreational, hobby, or health courses.
g. Courses on religious subjects given under the auspices of religious organizations. (p. 19)

NOTE: The Department of Education may at its discretion regulate the above.

3. Coverage (HI-02):

a.
b. • Schools must have standards and methods of instruction approved by the Department of Education.
c.
d.
e. • Schools must have equipment approved by the Department of Education.
f.
g.
h.
i. • Schools must have method and content of advertising approved by the Department of Education. (p. 20)

4. Administration (HI-02):

a. • The Department of Education may adopt reasonable rules and regulations pursuant to the State Administrative Procedures Act relating to enforcement of this part.
   • The Department issues, suspends, and revokes licenses.
   • The Board of Education adopts rules and regulations.
   • The Department may consult with experts as to equipment and instructional standards and methods.
   • The Department determines the form in which licenses are issued. (pp. 19, 20)

5. Enforcement (HI-02):

a. • The Department of Education may suspend or revoke licenses. (p. 19)
b.

c. • After written or personal notice and opportunity for hearing, licenses may be suspended or revoked when the Department judges that the licensee is not complying with this part or rules and regulations adopted by the Board of Education. Notice of suspension or revocation must be served personally or in writing; the license must be returned at once, and all school operations must cease at once. (p. 19)

d. • Violators of this part shall be fined not more than $100 or imprisoned not more than 90 days, or both. (p. 20)

HI-02-1

2. Application (HI-02-1):

Schools may not begin operation until a license is granted and a copy of the State Gross Income License is filed with the Department. (p. 3)

3. Coverage (HI-02-1):

NOTE: Pp. 13-17 discuss specific requirements for beauty schools and sewing schools which are not included here.

a.
- A school may not engage in commercial business activity for gain which does not directly relate to and enhance the program of instruction. (p. 4)
- Amount of commercial work accepted must be limited to that needed for students' training, and students shall not be compensated for such work. Work on such jobs shall be confined by school hours. The Department may suspend or terminate such work on objection of persons in the industry, for good of students, or for other reasons. (p. 7)

b.
- A licensed school must not offer courses not approved by the Department. (p. 4)
- School curricula must be approved by the Department as adequate to afford training in the trades to be taught. (p. 6)

c.
- Upon course completion, a student shall receive a diploma or certificate stating name of course and satisfactory completion of work by the student. (p. 6)

d.
- One person must be designated as Principal and the Department must be furnished satisfactory evidence of his qualifications to carry such responsibilities, which include compliance with Department rules and regulations and professional direction of school staff and program. (p. 7)
- Instructors must possess instructors' licenses issued by the Department; possess licenses for the occupation to be taught if required of employees by law; and have a minimum of 3 years of successful practical experience beyond the standard learning period for the occupation, unless practical experience is not a prerequisite for adequate instruction. The Department may require evidence and/or examination of the instructor's fitness to teach. (p. 8)
- Classroom instructional hours shall not exceed 8 hours per day or 40 hours per week for one teacher. (p. 8)

e.
- School licenses will not be granted until buildings have been inspected and approved by the County Building Department for safety and building code compliance, the State Department of Health for safety and health regulations, the Department of Education for adequacy for training in the proposed occupations, and compliance with Department building regulations.
- Equipment shall be adequate for carrying out the course objectives; addition or deletion of equipment may be required by the Department at any time. (p. 6)

f.
- See 4c below.
- A bond, payable and satisfactory to the Department, in the sum of $50,000 must be filed with the application. The bond may be lessened according to a published schedule, depending on maximum advance collections schools possess at any one time. (p. 3)

g.

h.
- The school shall prepare, distribute to all interested persons, and keep up-to-date a catalog containing at least the following information: (1) name, address, and telephone number of the school; (2) date of issue; (3) school's ownership and administrative officer; (4) school's calendar including starting and ending dates and school holidays; (5) description of facilities and equipment; (6) entrance requirements; (7) course titles and objectives; (8) course outlines or descriptions; (9) length of course; (10) school's policy on granting credit for previous training or experience; (11) school's policy on attendance, absences, and make-up; (12) school's policy on grading, reports of grades, and standards required; (13) school's policy on student conduct; (14) school's policy on refund of tuition and other fees collected; (15) student loans or financing plans; and (16) placement services. (pp. 5, 6)
- The school's license shall be prominently displayed on the premises. (p. 6)
- A copy of this rule shall be available at all times to staff, students, and interested citizens. (p. 6)
- The course of study for each vocation must be prominently posted and made available for student use. (p. 7)
- The standard tuition rate shall be published in the school literature and not deviated from. (p. 10)
- School-student contracts may not be longer than 1 year at a time. (p. 11)
- See 3k, items 4 and 5.

i.
- The intent of regulations regarding advertising is not to limit school rights thereto, but to prevent misrepresentation and unethical practices. (p. 8)
- Schools may not solicit students until a license has been issued, except that schools in the process of obtaining a license may advertise "subject to completion of all licensing requirements" if the statement is a part of all representations. (p. 3)
- The school principal is responsible for all advertising, agents' recruitment procedures, published materials, and public relations activities. (p. 7)
- Schools shall not use unfair or deceptive acts or practices.
- Schools may advertise only that they are "licensed by the Department of Education."
- Schools may not use endorsements by individuals or businesses until they file written evidence of such with the Department.
- Schools shall not solicit students in "help wanted" or similar newspaper columns and must clearly show themselves as schools seeking to enroll students.
- Schools shall not state that they will completely train students in any given length of time.
- No school shall guarantee or imply employment or definite wages in its advertising.
- Schools may not advertise courses that have not been approved in order to test public response unless the advertising clearly states "proposed" or "tentative" offering, subject to Department approval.
- Schools must give firm starting dates for, and specify length of approval of, courses which they advertise. (p. 9)
- Agents must be licensed and adequately informed and supervised to assure compliance with laws and regulations. The school is responsible for acts and promises of its agents. Each agent shall be furnished a copy of these regulations. (p. 10)

j. • Licensed schools shall keep adequate records for each student containing personal data, previous training and experience, progress, grades, and other information required by the Department in such form as it directs. Records of courses taken shall be kept on file for at least 7 years. A list of graduates of courses of 1 year or more in length shall be kept on permanent file. A school which ceases operations shall place its records on file with the Department. (p. 5)

k. • Money may not be collected from any prospective student in a proposed course offering until the course is approved by the Department. (p. 9)

• See 3h, items 5 and 6.

• There shall be no discounts except for cash payment.

• Quotations of charges must afford complete information as to all charges of every nature, or cite specifically what charges are not included. All quotations concerning cost of books, supplies, deposits, registration, library, student activity, or other fees shall be apart from tuition charges. If a quotation fails to indicate what charges are not included, it is conclusively presumed that the quote includes all charges. (p. 10)

• Charge quotations shall state: (1) whether or not sums must be paid in advance or when installments of what size are payable; (2) the existence or lack thereof of finance charges on unpaid tuition, including rate and total amount; and (3) the school policy on refunds, including amounts and method of computing such, when a student discontinues attendance without fault of the school. (p. 10)

• Advance payments on tuition may not cover more than 1 year even if the training programs lasts longer than that.

l. • Schools shall have written refund policies providing for a partial refund of the unused portion of tuition, fees, and other charges, except for a registration fee not to exceed $15. Minimum refund policy must equal or exceed in the student's favor the following: the amount of tuition, fee, and other charges paid in advance which is to be refunded to withdrawing students shall not vary more than 10% from the exact pro rata portion of all charges which the number of completed instructional days bears to the course's total number of instructional days.

• If an authorized course does not start on the date advertised, all tuition and fees collected from enrollees are to be refunded. (p. 11)

• If the school furnishes books, supplies, and/or materials charged for in the total course costs and the student later withdraws, full refund for amounts charged for unissued books, supplies, and materials shall be made. (pp. 10, 11)

m. • See 3i, item 9.

n. • If students purchase books, supplies, and/or equipment separately and later withdraw, they may retain or dispose of such items at their own discretion. (p. 10)

4. Administration (HI-02-1):

a. • The Hawaii State Department of Education licenses schools and agents, and may revoke and suspend licenses. (pp. 2, 11, 12)

• The Department grants a school license to the owner: (1) for a specific school registered under a particular name; (2) in a designated location; (3) under a certain management; (4) to teach definite trades or vocations; and (5) not to exceed a specified maximum number of students occupying the facility at once. Any changes in these or any increase in course offerings require approval by the Department prior to instituting the change. (p. 4)

- The Department specifically licenses schools for night school operation (6 pm to 7 am). (p. 6)
- The Department may at any time inspect training equipment for adequacy and may require needed changes. (p. 6)
- The Department approves training curricula as adequate. It may request review of a curriculum by the Board or Commission established for the trade or occupation or by an ad hoc Curricula Review Committee which it establishes. The Board also approves or disapproves additions or deletions of courses, and may require such on its own motion. (pp. 6, 7)
- The Department licenses instructors according to requirements in 3d, item 2. (p. 8)
- The Department authorizes representatives to inspect schools prior to granting licenses and may require other inspections at its discretion. (p. 11)
- The Department receives formal complaints. (See 5b.) (p. 12)
- The Department may determine questions not covered by these regulations and questions concerning applicability and interpretation of laws, rules, and regulations. It may waive requirements to prevent undue hardship. Its decisions are final if not in violation of law nor arbitrary, capricious, or abusive of discretion. (p. 12)
- The Department approves written applications for temporary (but longer than 30 day) cessation of school activities without lost of license. (p. 5)
- See 3a, item 2.

b.

- Schools shall be inspected by a representative of the Department prior to granting a license. (p. 11)
- See 4a, items 4 and 5 regarding inspection and curriculum review.

c.

- Application for an agent's license shall be on forms provided by the Department, accompanied by: (1) evidence that each agent is adequately informed and supervised to assure compliance with laws and regulations, and (2) fees.
- Application for the initial license to operate a school shall be made to the Department upon forms provided. Application forms shall be filed not less than 90 days before the opening date of the school, accompanied by the following: (1) a statement of the training and experience of the Principal which establishes fitness to conduct the school, on forms provided by the Department; (2) letters from at least three persons testifying to the character, ability, and competency of the Principal; (3) a bank reference of the applicant, the initial working capital of the school, a projected financial statement for its first 6 months of operation, and additional references as required by the Department; (4) certificates of clearance from: (a) County Building Department and (b) State Health Department; (5) floor plan showing the location of offices, library, classrooms, laboratories, shops, restrooms, other facilities, major pieces of furniture, training equipment, windows, and doors; (6) a list of the equipment provided for each course; (7) an outline of the courses to be offered including: (a) course title, (b) objectives, (c) curriculum content, and (d) evaluation procedures; (8) a statement describing standards and methods of instruction; (9) a copy of student contract and enrollment forms; (10) the method and content of advertising and media to be used; (11) a copy of the school catalog or brochure; (12) a copy of the diploma or certificate awarded; (13) a schedule of all fees, tuition, and charges; (14) a qualifications record for each member of the professional staff, on forms provided by the Department; (15) a surety bond in the sum of $50,000 (reducible at the discretion of the Department); (16) a copy

of articles of incorporation or partnership and bylaws filed with the State Department of Regulatory Agencies, if applicable; and (17) other information as required by the Department. (pp. 2, 3)

- Schools may not begin operation until a copy of the State Gross Income License has been filed with the Department. (p. 3)
- Changes in anything under 4a, item 2 must be reported to and approved by the Department prior to the change, together with license change fee. (p. 4)
- An increase in course offerings require written submission of all information required of new applicants plus a description of additional facilities to be provided if enrollment will increase. (p. 4)
- A school ceasing to operate must inform the Department and surrender its license within 30 days after operations cease. (p. 4)
- Schools shall submit annual reports and other reports as requested.
- If the program is to include commercial work, the school shall submit to the Department justification of the need for such work, a description of its integration into the curriculum, and limitations to be placed on its use. (p. 7)
- The school principal must provide reports and information as the Department requires, including changes in school policies, programs, facilities, tuition (30 days in advance of change), calendar, and all other original license information. (p. 7)
- Instructors must provide evidence that they possess appropriate trade or occupational competency, including, if the Department requires it, written evidence under oath and/or examinations of competence. (p. 7)
- Changes in professional staff must be reported within 5 days, along with complete qualifications of new instructors. (p. 8)
- Before a school may advertise that it is endorsed by business establishments, organizations, or individuals, written evidence of such endorsements must be filed with the Department. (p. 9)
- The Department has the right to call for copies of all catalogs, promotional materials, forms, contracts, letters, letterheads, and all other advertising material to be inspected for compliance with the school's license and with regulations. (p. 10)
- A new owner must apply for a new license. (p. 4)

d. • A school license shall be granted for 1 year, from 1 September to 1 August. (p. 3) No period for an agent's license is stated.

e. • Fee for an original school license is $25, or $15 if issued after 1 March; for a renewal license, $10 (plus a late fee of $5 if not submitted by 1 July); for a license change (see 4a, item 2), $5. No fee for an agent's license is specified. (pp. 3, 4)

f. • A temporary instructor's license good for 6 months may be issued to an instructor who does not meet requirements for a license. In case of emergency, the Department may grant temporary approval for employment of instructors for 30 days who do not meet requirements. (p. 8)

- The requirements of any rule may be waived by the Department to avoid undue hardship. (p. 12)

5. Enforcement (HI-02-1):

a. • The Department schedules hearings before the Department Superintendent or authorized hearing officer when school licenses are not to be renewed. (p. 4)

- The Department denies, suspends, and revokes licenses. (pp. 6, 7)

- See 3a, item 2.
- The Department investigates complaints sent to it and takes appropriate action. (p. 12)

b.
- Formal complaints filed with the Department regarding violations of law or regulation which may bring about suspension or revocation of license must: (1) be in writing and signed by the complainant; (2) if in reference to school advertising or printed matter, include a copy or a definite description of the materials; (3) if in reference to verbal statements, include a description of said comments plus name of agent and school, name of person to whom statement was made, place and date of statement, names and addresses of any witnesses, and a statement as to whether the complainant will file charges in affidavit form, if requested. (p. 12)
- See 5a, item 4.

c.
- License renewals may be denied because of failure to comply with all regulations of the Department relating to such schools, or for other good and sufficient reason as determined by the Department. The school shall be given reasonable notice in advance and an opportunity to be heard. (p. 4)
- Any change in the ownership status of a license terminates the license. (See 4c, item 4.) (p. 4)
- A school's license is automatically cancelled 30 days after cessation of operations unless a longer period has been requested in writing and approved by the Department. (p. 5)
- A school's license may be suspended for failure to maintain facilities in condition for effective training. (p. 6)
- Failure to provide and maintain courses as set forth in the application shall be deemed just cause to suspend or revoke the license. (pp. 6, 7)
- If new hires in professional staff are not approved by the Department and no satisfactory instructors are found within a reasonable time, as determined by the Department, the license may be suspended or revoked. (p. 8)
- Unfair or deceptive acts or practices in advertising shall constitute grounds for suspension or revocation. (p. 9)
- School failure to maintain standards and conditions in the license or additional applications shall be considered reason for suspension or revocation. (p. 12)
- See 6 below.

d.
- Bonds shall provide indemnification to any student who suffers loss as a result of the school's not fulfilling its obligations under the terms of its license. (p. 3)
- See 5a, item 4.
- The decisions of the Department are final if not in violation of law nor arbitrary, capricious, or characterized by abuse of discretion. (p. 12)

6. Other (HI-02-1):

The Department may require acceptable evidence that there is a need for proposed training and that such training is not currently being adequately provided. Failure to show need and adequacy may be grounds for denial of a license. (p. 5)

2. Application (HI-03):

   University systems of Hawaii, including community colleges.

3. Coverage (HI-03):

   a. • The Board of Regents shall have the power to formulate policy and to exercise control over the University through its executive officer, the president.
   b.
   c.
   d.
   e.
   f.
   g. • The Board shall adopt the necessary rules and regulations defining residence for tuition purposes.
      • Adult and minor students are residents if they or their parents have been bona fide residents for at least 12 consecutive months preceding their first registration at the University. (p. 156)
   h.
   i.
   j.
   k. • The Board may charge a resident tuition fee for regular courses of instruction at any University campus, including any community college, provided that the tuition for nonresidents shall not be less than two times the tuition fee for residents.
      • The Board may waive entirely or reduce the fees for students who are well qualified or in need of financial assistance, not exceeding 600 in number, which shall be counted as part of the quota of financial aids allocable to the baccalaureate campuses.

HI-03-1

2. Application (HI-03-1):

University systems of Hawaii, including community colleges.

The Board of Regents may authorize the affiliation or cooperating relationships between the University and federal, state and private agencies, institutions, and foundations. (p. 8)

3. Coverage (HI-03-1):

a. ● The chief executive shall exercise power for the government, protection and advancement of the University in both its educational and business aspects, and its colleges and subdivisions. The Board may establish or abolish such colleges, schools, divisions, departments, and units as it may deem appropriate. (p. 8)

b.

c. ● Degrees and diplomas will be granted by the Board upon successful completion of prescribed programs of study. (p. 12)

d. ● All appointments to the faculty shall be made by the Board, and each member shall be assigned the rank, title, and salary appropriate to the duties and responsibilities of the position as defined in the classification system adopted by the Board. (p. 9)

e.

f.

g.

h.

i.

j.

k. ● The Board shall fix tuition, registration, and student activity fees to be charged students registering in the University. The president shall fix such other fees as may be deemed necessary, including laboratory, late registration, and other special fees and charges.

● The Board or its representatives shall exercise general oversight of all student activities such as athletics, publications, or state productions which involve the handling of and accounting for money by student organizations. (p. 18)

l. ● The president shall fix the schedule of refunds of tuition, laboratory, and other fees that may be made to students. (p. 11)

IDAHO

1. Identification

ID-01

Correspondence and Other Private Courses, Chapter 24, Sections 33-2401 through 33-2412, Idaho Code

Effective date: 1963

Stated purpose:

Basic effect: Requires schools in or out of state to register and obtain certificates of compliance from the Board; requires agents to obtain permits from the Board; and requires agents to be bonded.

Basic coverage: Private degree and non-degree granting

ID-01-1

Refund Policy of the Idaho State Department of Education

Effective date: 1 July 1972

Stated purpose: To interpret the State Board's minimum refund policy.

Basic effect: Establishes minimum refund policies for correspondence and other private courses.

ID-02

Corporations for the Establishment of Institutions of Learning (Chapter 39, Sections 33-3901 through 33-3910)

Effective date:

Stated purpose:

Basic effect: Authorizes a minimum of five persons to form a corporation for the purpose of establishing a college, academy, seminary, or other school; to control the school's operations; to prescribe courses of study; and to grant appropriate degrees and give diplomas. Prohibits religious tests for applicant students; prohibits incorporation under these provisions for purposes of private gain.

Basic coverage: Private, non-profit degree granting

No further abstract prepared.

ID-03

State Board of Education - Chapter I

Effective date: 1963; amended up to 1976

Stated purpose: Creates the State Board of Education "...for the general supervision, government and control of all state educational institutions..." (p. 2) i.e., universities, colleges, and public junior colleges. Board is also the Board of Regents of the University of Idaho.

Basic effect: Grants power to the State Board to make rules and regulations for the government and general supervision of public education supported in whole or in part by state funds. (p. 4)

Basic coverage: Public degree and non-degree granting

ID-01

2. Application (ID-01):

"No person, whether operating from within or without the state of Idaho, shall sell, offer for sale, or distribute, or cause [such of]...any course...in this state unless such person shall have registered with, and hold a valid certificate of compliance issued by, the state board of education." (p. 1)

"No person...shall solicit students...or sell courses, within this state or from a place of business in this state, for...remuneration unless he shall have first secured a permit from the state board of education." (p. 3)

"Person" means an individual or firm offering and conducting courses for compensation in this state or from a place of business in this state. (p. 1) Certificates of compliance are for such persons (i.e., schools); permits are for agents.

Exemptions:

a. Board-recognized courses which partly or wholly comply with the compulsory education law.
b. Courses offered by a Board-accredited school.
c. Courses offered by a school accredited by a Board-recognized agency.
d. In-service courses offered by an employer solely to employees.
e. Courses whose requirements are prescribed in Idaho Code Title 54, dealing with professions, vocations, and businesses whose graduates practice occupations which require a license by the state (many medical occupations, real estate brokers, electrical contractors, barbers, etc.).

NOTE: Any non-exempted person (school) offering or purporting to offer any scholastic degree for a consideration, within this state or from a place of business within this state, whether or not courses are offered for sale as a condition for granting of degrees, shall be subject to this Act, and so shall their agents. (p. 4)

NOTE: Non-resident applicants for certificates of compliance (schools) must appoint the State Superintendent of Public Instruction as attorney to receive service of process before permits will be issued. The appointment shall be irrevocable, binding on successors, and in effect as long as any contract in force arising out of the person's operations. (p. 2)

3. Coverage (ID-01):

a.

b.

c.

d.

e.

f. ● Before an agent's permit will be issued, an applicant must post with the

Board an acceptable surety bond in the penal sum of $10,000, which may be continuous; or the school may provide evidence that each applicant is included in a $10,000 blanket bond. (p. 3)

g.

h.

i.
- Registration or certificate of compliance shall not be deemed to be approval of registrant or courses by the Board. Any implication that it is shall constitute misrepresentation. (p. 2)
- No person (school) or agent shall: (1) make any statement or representation in offering or publicizing courses if the person knows or reasonably should have known such to be false, misleading, or substantially inaccurate; (2) participate in course conduct or administration or student solicitation if the person knows or reasonably should have known such to be carried on by fraud, deception, or misrepresentation; or (3) promise employment utilizing training outcomes unless a bona fide contract of employment for at least 90 days is offered by the promisor in an appropriate business regularly conducted by the promisor. (pp. 2-3)
- Agents' permits shall be evidenced by pocket cards issued by the State Board.

j.

k.

l.
- The Board may require applicant schools to establish refund policies. (p. 1)

4. Administration (ID-01):

a.
- The State Board of Education issues certificates of compliance.
- See 3l above.
- The Board may require applicants to furnish necessary information in order to allow it to pass properly on the applications. (p. 1)
- The State Board may adopt rules and regulations for administration of these sections, and may establish an advisory committee of knowledgeable people. (p. 4)

b.
- See 4a, item 3.

c.
- Application for agents' permits shall be on forms provided, accompanied by a bond and fee. (p. 3)
- Applicants for certificates of compliance, either original or renewal, shall furnish the Board with a schedule of fees for each course, name and address of the school, any other information the Board may require to pass properly on the application, and application fee.
- Non-resident applicants for certificates of compliance shall submit, on forms furnished by the Board, the required appointment of the State Superintendent of Schools related to service of process (see second NOTE above) and the designation of individual and address to whom process is to be forwarded. Changes in this designation may be made by new filing. (p. 2)

d.
- A certificate of compliance expires on 30 June annually. Agents' permits shall be renewed annually on 1 July. (pp. 1, 3)

e.
- Fee for an original and each renewal certificate of compliance shall be $25; for an original agent's permit and each renewal, it shall be $5. (pp. 2, 3)
- Service of process on the State Superintendent as attorney for non-resident schools must be accompanied by $5, taxable as costs in the action. (p. 2)

f. • The Board may issue restricted or limited certificates of compliance. (p. 1)

5. Enforcement (ID-01):

a. • The State Board of Education may deny an application for registration and certificate of compliance and renewals thereof; restrict, limit, suspend, or revoke certificates of compliance; suspend or revoke agents' permits; and hear, act on, or dismiss complaints.
   • The Board may seek a district court order temporarily enjoining a school or agent from selling or offering to sell any course pending hearing on a complaint.
   • See 5b, item 2.
b. • See 5a, item 2.
   • A hearing shall be had upon complaint of the executive officer assigned by the Board to administer this Act. Written notice of hearing and a copy of the complaint shall be given the school or agent. (p. 4)
c. • Certificates of compliance may be revoked for non-compliance with policies, rules, and regulations; for misrepresentation in the application; and for any other reason for which denial of the original application might have been made had it existed and been known to the Board.
   • Any Board action is subject to appeal by any affected person to the district court in Ada County, and shall be heard de novo (as if new and never previously heard). (pp. 1, 5)
   • An agent's permit shall be revoked if the bond is cancelled and another not posted before the effective date of cancellation. (p. 3)
   • Whenever it appears to the Board that a school or agent has knowingly violated stipulations of 3i above, it may suspend or revoke the certificate of compliance or agent's permit. (pp. 3, 4)
   • See 5b, item 2. Hearing after 20 days prior notice shall be before the full Board, less than the full Board, or another proper person, who shall submit findings of fact and recommendations to the Board. Thereupon the Board shall consider and make its order. Any order may be reviewed by writ of review issuing out of the county district court upon application by any interested party. (p. 4)
d. • Nothing in these sections shall prohibit the Board from obtaining a district court order as described in item 2 of 5a above.
   • The Board may seek enjoinment described in item 2, 5a above upon showing that the school or agent has flagrantly and repeatedly violated provisions in 3i above.
   • A person or agent who sells or offers for sale courses or scholastic degrees without a certificate of compliance or permit, respectively, shall be guilty of a misdemeanor and punished on conviction by a fine not to exceed $1,000 or imprisonment not to exceed 6 months, or both.
   • A person whose certificate or permit has been revoked shall be guilty of a misdemeanor punishable as above. (p. 4)
   • Bonds shall provide indemnification to any student suffering loss as a result of fraud or misrepresentation in procuring his enrollment. Aggregate liability for all students for all breaches of bond conditions shall not exceed $10,000. The fact of a bond shall not limit or impair recovery otherwise available under law, and its amount shall not be relevant in determining amount of damages due plaintiff.
   • Contracts are not valid if the school was not registered or the agent

did not possess a pocket card (see 3i, item 3) when contract was negotiated. (p. 3)

e. ● See second NOTE in Section 2 regarding non-resident agent for service of process. Service of process against a non-resident school shall be made only upon the State Superintendent or his designee during his absence. Duplicate copies shall be served upon him in prescribed manner, and one shall forthwith be sent to the designated individual (see 4c, item 3). The Superintendent shall keep a record of the date of service, and this service and forwarding shall constitute valid and binding service on the school. (p. 2)

ID-01-1

2. Application (ID-01-1):

Same as ID-01.

3. Coverage (ID-01-1):

1. • The Board's resolution on refunds is interpreted to mean: (1) all monies shall be refunded if notice of cancellation is dated before 72 hours after contract is signed (Board's resolution states "72 hours after midnight of the day [the contract is signed]"); (2) all but $50 shall be refunded if notice of cancellation is dated more than 72 hours but less than 7 days after contract is signed; (3) 50% of the total course cost shall be refunded if cancellation occurs during the first quarter of the course; (4) 25% of the total course cost shall be refunded if cancellation occurs after the first quarter but within the first half; (5) after half the course is completed, no refund is required; and (6) if the student cancels for reasons beyond his control, a reasonable agreement shall be made. "Quarter" means time reasonably expected for completion of one-fourth of the course.

4. Administration (ID-01-1):

a. • The State Board of Education established this minimum refund policy by resolution. The Department of Education interprets the Board's resolution.

ID-03

2. Application (ID-03):

Universities, state colleges, and public junior colleges

3. Coverage (ID-03):

a. • The Board of Education shall define limits of all instruction in partially or wholly state-supported educational institutions to prevent wasteful duplication of effort. (p. 6)

b. • A school district may submit, for the Board's approval or disapproval, a plan for a program providing instruction and training in vocational education for handicapped students under the age of 22. An approved program shall be entitled to all benefits available by law to educational programs. (p. 5)

c. • In all public and private higher institutions in the state, the Board shall certify professional education personnel and approve programs for such personnel, and shall accredit as teacher training institutions those with approved programs. (p. 6)

d.

e. • The Board shall cooperate with the Board of Health and Welfare in establishing regulations covering school building matters affecting the public health, and shall have authority to cause an examination of an unsafe school by a competent engineer. (p. 5)

• The Board shall authorize and approve all plans and specifications for the construction or alteration of buildings at state educational institutions, and shall control the purchase of equipment. (p. 6)

f. • The Board shall submit to the State Budget Director a budget for each institution under its government and control showing the financial needs, and shall direct and control all funds appropriated. (p. 6)

g.

h. • The Board shall cause to be published in at least one issue of a newspaper in the area of a school district, a summary of the engineer's report setting out in what respect a school building has been found to be unsafe, unsound, or deficient. (p. 5)

4. Administration (ID-03):

c. • The Board shall report biennially to the Legislature on needed changes in existing laws or additional legislation, on its actions and expenditures, and on budgets for each institution under its government and control.

• The Board shall prepare and publish such reports, statistical tables, and studies as may contribute to the educational welfare of the state. (p. 6)

5. Enforcement (ID-03):

a. • The State Board of Education shall have the power, through its executive departments and offices, to enforce the school laws of the state. (p. 4)

ILLINOIS

1. Identification:

IL-01

Chapter 144, Sections 136-162. An act in relation to the regulation of business and vocational schools

Approved: 1955, revised October 1975

Stated purpose:

Basic effect: Requires a certificate of approval to conduct a private business or vocational school, and solicitor permits for school representatives working in Illinois.

Basic coverage: Private non-degree granting

IL-01-1

Rules and regulations in relation to private business and vocational schools

Effective date: February 1977

Stated purpose:

Basic effect: Sets forth detailed standards and procedures for private business and vocational schools to obtain certificates of approval and for solicitors of these schools to obtain permits.

IL-03

Chapter 144, Sections 121-135. An act providing for the regulation of privately operated colleges, junior colleges, and universities

Effective date: Approved 1945, amended 1963 and 1965

Stated purpose:

Basic effect: Requires a certificate of approval to operate a private college, junior college, or university.

Basic coverage: Private degree granting

IL-04*

Chapter 144, Sections 231-242. An act to regulate the granting of academic degrees, diplomas, and certificates by certain educational institutions

Effective date: Approved 1961, amended 1969

Stated purpose: "...to prevent deception of the public resulting from the offering, conferring, and use of fraudulent or substandard degrees. ...regulation by law of...evidences of academic achievement is in the public interest. ...the protection of legitimate institutions and those holding degrees from them is also in the public interest." (p. 1)

Basic effect: Prohibits an institution from awarding any degree until one year after it has filed a written notice and received approval.

Basic coverage: Private degree granting

IL-04-1*

Rules and regulations--Private business and vocational schools--Degree granting

Effective date: 1971, revised February 1977

Stated purpose:

Basic effect: Sets forth procedures and criteria for private business and vocational schools to follow and meet approval to grant associate degrees for specific programs.

IL-04-2*

Addendum--Rules and regulations--Private business and vocational schools--Degree granting

Effective date: 1973, revised February 1977

Stated purpose:

Basic effect: Sets forth procedures and criteria for private business and vocational schools to follow and meet for approval to grant baccalaureate degrees for specific programs.

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*This law and the regulations associated with it do not apply to colleges, junior colleges, or universities.

IL-03-1/IL-04-3*

Rules and Regulations: Privately Operated Post Secondary Educational Institutions

Effective date:

Stated purpose:

Basic effect: States standards and procedures for approval to operate an institution and for approval of degree programs and authority to award degrees.

Basic coverage: Private degree granting sector (including institutions other than colleges, junior colleges, and universities which award degrees)

IL-05

Board of Higher Education

Effective date: 22 August 1961; includes 1975 amendments

Stated purpose: "...creating a Board of Higher Education, defining its powers and duties...." (p. II-1)

Basic effect: Designates the Board membership and duties, including the approval of new units of instruction in the state universities and colleges, and budget recommendations.

Basic coverage: Public degree and non-degree granting

IL-06

Illinois Public Community College Act (I.R.S, 1973 and Supplement to I.R.S. 1973; Chapter 122, Sections 101-1 to 108-2)

Effective date: July 1965, amended 1973

Stated purpose:

Basic effect: Creates the Community College Board and describes its powers and duties for statewide planning, for determining standards for establishing community colleges, and for granting certificates of recognition to community colleges meeting the Board's standards. (p. 1468)

Basic coverage: Public degree and non-degree granting (2-year)

NOTE: Illinois Revised Statutes, 1973, amended sections of the Public Junior College Act, 1965.

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*These regulations were promulgated under two separate laws.

IL-06-02

Illinois Community College Board Manual of Policies, Procedures, and Guidelines

Effective date: July 1976

Stated purpose: "...to list...all the policies, procedures, and guidelines... to provide an informational document...and...to provide the 'standards and criteria' by which state recognition (and state funding) shall be provided...." (p. 4)

Basic effect: States comprehensive, detailed policies and procedures with which public community colleges must comply in order to receive required recognition and funding by the state. Policies and procedures cover administration, instructional offerings, public service programs, learning resources, student services, finance, site and construction, and institutional studies.

Basic coverage: Public degree and non-degree granting (community colleges only).

No further abstract prepared.

IL-01

2. Application (IL-01):

"No person, partnership or corporation shall conduct a private business... [or]...vocational school in this State without having been issued a certificate of approval...." (p. 2154)

"No corporate charter shall be issued to any school that has not been approved...nor shall any foreign corporation be approved to operate or maintain a vocational or business school until the school has been approved...." (p. 2155)

"A non-resident...shall become approved by conforming to all the conditions of the act." (p. 2158)

"Prior to the establishment...of a school and the issuance of a certificate of approval..., no person shall advertise such a school or solicit prospective students...unless such person has...received...authorization to conduct such activity." (p. 2154)

"...every solicitor representing a school, whether located in the State...or without, shall make application for a school Solicitor Permit.... The solicitor shall be approved...prior to the solicitation of students." (p. 2155)

A private business school is one which charges tuition for residence, correspondence, or other courses or programs preparing individuals to: (1) follow a trade; (2) pursue a manual, mechanical, technical, industrial, business, commercial, office, personal service (other than nursing), or other nonprofessional occupation; (3) follow a profession if the school is not subject to other approval and licensing statutes; or (4) improve the skills and abilities of the individual relative to occupational responsibilities or career opportunities.

Exemptions:

a. Non-profit schools conducted by eleemosynary, religious, or public institutions exempt from property taxation.
b. Courses offered by employers provided such instruction is offered only to employees. (p. 2153)

NOTE: Exemption for public or non-profit schools.

3. Coverage (IL-01):

a. • Schools shall be conducted exclusively as schools, not as part of a manufacturing or commercial establishment. Students shall not be employed commercially as part of class work except as the Superintendent of Education determines as necessary to gain practical experience.

b. • Certificates of approval shall be restricted to fields or courses specifically indicated in the application.

c.

d. • Individual applicants for certificates of approval shall be 21 years old and a U.S. citizen. Each partner or officer of a corporation must meet these requirements. (p. 2155)
- See 5c, item 1, points 3, 4, and 9.

e.
- See 4c, item 1, point 8.
- See 5c, item 1, point 7.

f.
- As an application commitment for a certificate of approval, schools agree to provide a surety bond not to exceed $50,000. In lieu of the bond, schools may deposit $50,000 in cash or securities with the State Treasurer. (p. 2154)
- See 4c, item 1, point 6.
- See 3i regarding bonding of solicitors.
- See 5c, item 1, point 9.

g.
- See 5c, item 1, point 11.

h.
- The following disclosures shall be included in all contracts and agreements used by the school: (1) name and address of school; (2) name and description of the course, including the number of hours of classroom instruction and home study lessons; (3) the total cost of the course including charges for tuition, room and board, books, materials, supplies, and other expenses; (4) a clear and conspicuous statement that the agreement is legally binding; (5) a clear and conspicuous caption, "Customer's Right to Cancel," under which it is explained that the student has the right to cancel the initial enrollment agreement until midnight of the sixth day after the student signs; (6) the form and means students should use to cancel the contract and the name and address of the person to whom the notice should be sent; and (7) a clear and conspicuous statement that every assignee of the contract takes it subject to all claims and defenses of the student or his successors.
- At the time students sign enrollment agreements, the school's representative must disclose statistical information on the percentage of graduates seeking placement through the school's placement service who received legitimate job offers in the area for which they were trained. This information must be disclosed for the particular course offered for sale in the contract. (p. 2156)

i.
- As an application commitment, schools agree that all advertising will be free from misrepresentation, deception, or fraud, or other misleading or unfair trade practices.
- As another application commitment, the institution agrees not to promise or agree to any right or priviledge in respect to professional examinations or the practice of any profession in violation of the laws of this state.
- Solicitors must receive permits prior to soliciting students. Applications must contain evidence of the solicitor's honesty, truthfulness, and integrity, be verified under oath by him or her, and contain the recommendations of two reputable persons. Felony convictions are to be considered but do not act as a bar to registration.
- Whenever required by the Superintendent, solicitors shall provide surety bonds in the amount of $2,000 except in special cases where up to $10,000 may be required. (p. 2155)
- See 4c, item 1, point 12.
- See 5c, item 1, points 2 and 6.

j.

k.

l.
- See 3h, item 1, point 5 regarding students' rights to cancel enrollment agreements.

m.
- Placement services refer to those which purport to refer graduates to specific employment openings. All schools which offer or advertise placement services must file a certified copy disclosing annual placement records for every course. (p. 2156)

n. • See 4c, item 1, point 9 regarding evaluation.

4. Administration (IL-01):

a. • The State Superintendent of Education promulgates standards for and issues certificates of approval and solicitor permits. (pp. 2154, 2155)
   • The Private Business and Vocational Schools State Advisory Board gives advice on standards and reviews matters of importance related to private business and vocational schools. One member of this Advisory Board shall be an attorney from the Consumer Fraud Division of the Office of the Attorney General. (p. 2154)

b. • Schools are examined under the direction of the Superintendent prior to approval. (p. 2156)
   • As an application commitment, schools must permit inspection of the whole school or its classes from time to time. (p. 2154)
   • The Superintendent shall review and investigate all approved schools and courses of instruction, giving consideration to complaint files and other information. (See 5b, item 1.) (p. 2156)

c. • Applications for certificates shall be made on forms provided which set forth: (1) title of school and ownership and controlling officers, members, managing employees, and director; (2) specific fields and courses of instruction; (3) place of instruction and a description of its physical and sanitary facilities; (4) specific list of the equipment available for instruction in each field and course; (5) education and teaching qualifications of instructors and supervisors; (6) financial resources available to equip and maintain the school, documented by a current balance sheet and income statement prepared and certified by an independent CPA or other similar evidence; (7) the maximum enrollment to be accommodated with the equipment available in each course; (8) evidence that it provides up-to-date equipment reasonably conforming to the state of the art; (9) evidence that it maintains an adequate evaluation service (defined as the proper receipt and prompt evaluation of all required tests and materials with appropriate written comments and suggestions for correction of errors and apparent weaknesses and the prompt return of materials to students); (10) copies of student agreements; (11) method used to collect tuition and procedures for collecting delinquent payments; (12) copies of all brochures, films, promotional material, and written scripts of other radio and television advertising and promotion that will be circulated; and (13) signatures certified to under oath by all officers of the school. (p. 2154)
   • The application shall contain the commitments mentioned in 3f, 3i, and 4b, one to conduct the school in accordance with standards, rules, and regulations established by the Superintendent, and one to make available at any time, information pertaining to activities of the school required for administration of this Act. (pp. 2154-2155)
   • Supplementary applications shall be presented for approval of additional fields or courses in which a school desires to offer instruction during the effective period of its certificate.
   • Applications for solicitor permits shall be made on forms provided stating the name of the school to be represented and providing evidence of the honesty, truthfulness, and integrity of the applicant. Applications must be verified under oath by the applicant and contain the recommendations of two reputable persons certifying that the applicant is truthful, honest, and of good reputation and recommending that the permit be issued. (p. 2155)

- Non-residents applying for certificates shall file consent that actions may be commenced against the applicant in the proper court by the service of process on the Superintendent. (See 5d, item 6.) (p. 2158)
- Certificates of approval are not transferable. New applications or permits shall be filed for schools that operate at different addresses or locations. (p. 2154)
- See 3m and the last item of 3h regarding filing of placement statistics.

d. • Certificates and permits are renewed annually. (p. 2155)

e. • Applications for regional certificates shall be accompanied by a filing fee of $75 to cover the cost of investigation and issuance.
- Renewal fee for certificates is $37.50.
- No fee is charged for supplemental applications.

f. • Original solicitors' permits cost $50; renewal, $25. (p. 2155)

g. • The Superintendent shall maintain, open for public inspection, a list of approved schools and may annually publish the list. (p. 2154)

5. Enforcement (IL-01):

a. • The Superintendent denies or revokes certificates after a hearing in which he or his designated hearing officer may order complaints entered, require the attendance of witnesses, and the production of books and papers.
- Any circuit court or judge may require the attendance of witnesses and the production of books and papers at hearings the Superintendent conducts. (p. 2157)
- The state's attorney of the county where a violation of the provisions of this Act occurs shall prosecute all parties upon proper complaint being made.
- The Superintendent forwards copies of all complaints to the Office of Consumer Protection in the Illinois Attorney General's Office so that it may discover if any violation of the "Consumer Fraud and Deceptive Business Practices Act" has occurred. (p. 2158)

b. • In periodically reviewing schools and courses, consideration should be given to complaints and information collected by the Federal Trade Commission, the Better Business Bureau, the Illinois Attorney General's Office, Department of Consumer Protection, other state or official approval agencies, local school officials, or other interested persons. The Superintendent shall confer with school officials or representatives against whom complaints have been lodged, investigate the involved school by visitation, and initiate investigations upon receipt of complaints. (p. 2156)
- The Superintendent may, upon his own motion, and shall, upon a verified complaint of acts which constitute grounds for refusal or revocation, investigate the actions of any applicant or holder of a certificate or permit.
- Before proceeding to a hearing, the Superintendent may grant the school 30 days to correct the deficiency.
- Before refusing or revoking any certificate or permit, a hearing shall be held. (p. 2157)
- Detailed procedures for conduct and reporting of hearings were stated. (p. 2157)

c. • The following causes are grounds for refusal to issue or renew certificates or permits or for revocation of them: (1) violations of the Act or its rules or regulations; (2) furnishing false, misleading or incomplete information or failure to furnish information; (3) if any person who signed an application has entered a plea of nolo contendere or been found guilty of any crime involving moral turpitude; (4) if any signer is addicted to narcotics, has been found mentally incompetent, or has been convicted of any subversive activity; (5) violation of any application commitments--see 4c, item 2; (6) presenting false, misleading, or fraudulent information to prospective students about the school, employment opportunities, or enrollment opportunities in higher education after completing courses offered; (7) failure to provide or maintain premises or equipment in a safe and sanitary condition as required by laws; (8) refusal by a solicitor to display his permit; (9) failure to maintain financial resources adequate for the satisfactory conduct of the courses of instruction offered or to retain sufficient and qualified instructional and administrative staff; (10) conduct of instruction in a course which has not been approved; (11) refusal to admit applicants solely on account of race, color, creed, or sex; (12) if the Department determines the registrant has not been sufficiently rehabilitated where he or she has been convicted of any crime with an essential element of dishonesty or of a felony; (13) paying any person for acts or services performed in violation of this Act; (14) demonstrating unworthiness or incompetency to conduct a school or act as a solicitor in any manner not calculated to safeguard the interests of the public; (15) attempting to confer fraudulent degrees; (16) attempting to conduct or employ students in any commercial activity in conjunction with the operation of the school except essential practical experience; (17) misrepresenting that students are or will be qualified for admissions to professional examination after completing any course; and (18) encouraging students to enroll in advanced courses when the prerequisite course is known not to have been completed. (pp. 2156-2157)

- Failure of the respondent to appear on the date set for a hearing or failure to proceed as ordered at a hearing shall constitute default and automatic revocation. (p. 2157)
- If the employing school's certificate lapses or is revoked or the solicitor's employment is terminated, the solicitor's pocket card must be returned. (p. 2155)
- An unlawful act on the part of any solicitor or employee of a school shall not be cause for the revocation of the certificate of approval unless it appears that one or more of the controlling officers, members, or managing employees had guilty knowledge of it.
- Any person affected by a final administrative decision of the Superintendent may have such decision reviewed judicially by the circuit court. The provisions of the "Administrative Review Act" shall govern. (p. 2158)

d.
- School and solicitor security bonds are provided for the protection of the contractual rights of students. (pp. 2154, 2155)
- See 3h, item 1, point 5.
- No school shall enter into any enrollment agreement wherein the student waives the right to assert against the school or any assignee any claim or defense he may have against the school under the contract. Any such provisions are void. (p. 2156)
- Any circuit court judge may compel obedience to his or her order by proceedings for contempt. (See 5a, item 2.) (p. 1257)
- Upon revocation of a certificate or permit, if the holder does not surrender it, the Superintendent has the right to seize it.
- The consent form to service process on the Superintendent (see 4c, item 4) shall agree that this action shall be recognized in all courts

to be as valid as if personal service had been made upon the applicant in Illinois. The consent shall be irrevocable.

- Any person or corporation violating provisions of this Act shall be guilty of a Class A misdemeanor. Any officer or agent of a corporation shall be subject to the penalties for individuals.
- Upon application of the Superintendent through his attorney, the Circuit Court shall have jurisdiction to enjoin any violation. (p. 2158)
- Any person who suffers damages as a result of a violation of this Act may bring an action against the school. The court may award actual damages or any other proper relief. Reasonable attorney's fees and costs may also be awarded to the prevailing party. (p. 2159)

6. Other (IL-01):

Complaints are sent to the Office of Consumer Protection in the Attorney General's Office by the Superintendent so that violations of the "Consumer Fraud and Deceptive Business Practices Act" can be discovered. (p. 2158) Complaints received by various organizations (see 5b, item 1 for a list) should be considered. (p. 2156)

IL-01-1

2. Application (IL-01-1):

Exemptions:

a. Instruction contracted for by employers from a third party, if it is offered only to employees.
b. Schools offering avocational or recreational courses, if the main objective of instruction is not the development of an employable skill but is instead entertainment, recreation, individual edification, hobby interests, or individual self-improvement.
c. Private tutoring, if it is done on an individual basis and/or if the tutoring is done in an instructional area exempted in the definition of "school." (See IL-01, Section 2.) (pp. 1-2)

NOTE: A non-residence school shall not be approved until it has certified its compliance status in the state in which it legally resides. (p. 2)

3. Coverage (IL-01-1):

a.
- The school shall establish that any students employed by it shall gain through their employment practical experience essential to their training. (p. 13)
- A residence school shall be organized according to accepted principles of residence instruction.

b.
- A correspondence (home study) school shall use lessons and examinations which meet the instructional needs and abilities of its students. This material may be supplemented. Instructional materials shall be sufficiently comprehensive to assist students to achieve announced objectives, be up-to-date, and organized according to accepted principles. (p. 24)
- The Superintendent may require the school to establish performance objectives for specific courses of study. (p. 25)
- See 4c, items 28-31.

c.
- See 3h, item 28, point 6.

d.
- The school shall have a designated supervisor directly responsible for instruction, staff, organization, facilities, and records and a designated assistant supervisor to assume responsibility when necessary. One or the other shall be present during all hours of instruction.
- The minimum qualifications for supervisors shall be: (1) graduation from a state-approved, 4-year college with a minimum of 24 semester hours in administration/management and/or professional education in the school's subject areas; or (2) training and experience in the school's subject area which shall include a minimum of: (a) 6,000 clock hours of training and work experience, and (b) 2,000 clock hours of supervisory or instructional experience. (p. 6)
- The minimum qualifications of an assistant supervisor shall be: (1) satisfactory completion of 60 semester hours from a state-approved, 2-year or 4-year college with a minimum of 16 semester hours in administration/management and/or professional education and/or in the school's subject areas; or (2) training and experience in the school's subject areas which shall include a minimum of: (a) 4,000 clock hours of training and work experience, and (b) 2,000 clock hours of supervisory or instructional experience. (pp. 6-7)

- The school shall establish policies and procedures: (1) by which professional growth and expertise of supervisory staff is demonstrated; (2) to encourage their further growth and expertise; and (3) to employ interim (substitute) supervisors which set forth qualifications and duties. (p. 7)
- Teacher candidates shall have the Superintendent's written approval prior to the start of permanent teaching assignments.
- Each teacher shall possess at least one of the following qualifications: (1) a current, valid public school teacher's certificate in a relevant subject area issued by the Superintendent or the Chicago Board of Education; (2) a permanent, valid public school teacher's certificate in a relevant subject area issued by another state; (3) graduation from a state-approved, 4-year college or university with a minimum of 24 semester hours in the specific subject area to be taught; or (4) no less than 4,000 clock hours of successful training and experience in the specific subject area to be taught.
- The school shall establish and provide its policy to determine the maximum student/faculty ratio for each course. Correspondence schools shall also provide policies to determine the maximum student/faculty evaluator ratio for each course. (p. 24)
- The school shall maintain policies which set forth qualifications, duties, and procedures for supervision and evaluation of teachers, substitute teachers, and teaching assistants (if applicable). (p. 8)
- The school shall designate an administrator directly responsible for selection, supervision, and evaluation of its solicitors. (p. 17)
- See items of 4c regarding organization charts, business reputation of owners, and personnel.

e. • See 4c, items 4-9.

f. • Existing schools shall provide evidence of financial resources sufficient to meet operating demands for at least 1 year which shall be substantiated by: (1) a documented balance sheet and income statement prepared and certified by an independent certified public accountant for the last fiscal year (if the accountant cannot submit an unqualified opinion, he or she may submit a qualified opinion, an adverse opinion, or a disclaimer of opinion); (2) the latest documented interim balance sheets and income statements certified as true and correct by the school's administration; and (3) if the school is owned by a corporation, it may present a corporate financial statement accompanied by a notarized resolution signed by an officer of the corporation declaring that the corporation will guarantee obligations of the school's operation in lieu of points 1 and 2 above. (pp. 4.5)

- In each of its first 2 years of operation in Illinois, a school shall not collect from Illinois students a total of prepaid tuition and other charges in excess of its total school surety bond.
- For each year after its second, a school shall report on the total prepaid tuition and charges received from Illinois students for the preceding 12 months.
- See 4a, item 1 regarding the right of the Superintendent to require financial audits or interim financial statements.
- See 4c, item 11 regarding reporting requirements for expenditures in various categories.

g. • The school shall provide each prospective student with the specific admission requirements for each course which shall include evidence of satisfactory completion of secondary education or of the G.E.D. exam and/or other evidence predicting probable success.

- The school shall maintain verifiable evidence that each student meets the school's admission standards for his or her specific course and that the admission standards provide reasonable indication of the student's potential for successful completion. (p. 21)
- The school shall not accept an enrollment from a person of compulsory school age unless written assurance has been received from school officials that the enrollment will not be detrimental to the student's required school work.
- The school shall furnish evidence that each handicapped student who enrolls without governmental agency referral has been informed of requirements for minimal successful performance in the course and for entrance into the vocation. Evidence shall include the school's refund policy for students with physical, mental, and learning disabilities. (p. 22)
- See the items of 4c regarding placement in advanced courses (item 20) and methods of determining reading ability (item 30, point 5).

h.

- The school shall include the following in its enrollment agreement: (1) the current statement of the Federal Trade Commission relating to "holder in due course" doctrine; (2) the applicable requirements of the Retail Installment Sales Act of Illinois; (3) the school's refund policy; (4) a date which indicates its current validity; and (5) space for the solicitor's or representative's compliance with requirements regarding the solicitor's responsibilities for accurate representations and disclosure. (See 3g, 3h, and 3i below.) (pp. 19-20)
- The school which does not assess financial charges may limit its "Notice to the Buyer." (See 3h, item 1, point 2.)
- An enrollment agreement shall be separate and distinct from any other document and be clearly labeled as a contract. (p. 19)
- When a student signs an enrollment agreement the representative must disclose placement information for the particular course. (See 3m.) (p. 28)
- No enrollment agreement or any other contract shall contain a wage assignment provision and/or a confession of judgment clause. (p. 20)
- See the first and fourth items of 3g regarding disclosure of admission requirements.
- The school shall provide all prospective students with a printed or duplicated copy of its program catalog or bulletin prior to any signing of the enrollment agreement or contract. The catalog or bulletin shall contain the following school information: (1) the educational philosophy and itemized specific objectives of the school in complete, clear, and simply stated language; (2) month and year of publication; (3) names, addresses, and telephone numbers of the principal places of instruction and administrative offices; (4) names and titles of the administrative staff; (5) a description of each course, including specific objectives, content, length of course including clock hours (residence schools), and prerequisites, if any. Such description shall be consistent with the course of instruction approved by the Superintendent; (6) certificate and diploma requirements; (7) admission policy and regulations, including prerequisites for enrollment; (8) policy and regulations relative to standards of student progress; (9) schedule of tuition and costs, books, supplies, equipment, services, rentals, deposits, and housing costs; (10) minimum terms for payments, including the methods used to collect tuitions; (11) methods used for collecting delinquent payments, if any; (12) policy and regulations relative to refund of unused tuition, fees, and other charges; (13) an accurate description of the school's physical

plant; (14) policy and regulations pertaining to absences, grading, and rules of conduct; (15) calendar, if any; (16) financial aid/grant and scholarship policy; and (17) student services, including placement service, guidance/counseling, and student employment, if any.

- The value, number, date of award, source, and full information concerning all grants shall be printed in the school catalog.
- Also, announcements of grants shall be made available to all applicants and current students. (p. 28)

i.
- In all advertising, the school shall: (1) give the school's complete and correct name and locations; (2) indicate exact locations where training is given; (3) convey true meanings, relationships, and conditions when using any illustrations or statements; (4) use letters of approval or endorsement from any source only with the written consent of the authors. Evidence of such consent shall be on file and open to inspection. There shall be no payment for the use of such letters. Letters used shall include dates of authorship; (5) indicate the exact extent or nature of the association with the school of any persons identified in the advertising; (6) indicate whether its instruction is residence, correspondence, or a combination; (7) if advertising expected remuneration for graduates, limit such disclosures to average entry level wages and provide the source and date of the data; and (8) if suggesting transferability of its credits to other schools or institutions, provide written evidence of the current acceptability of such credits to the Superintendent. (pp. 20-21)
- The school shall not: (1) advertise in help-wanted columns in any publication; (2) represent that the school is "recommended" by the Superintendent; (3) express or imply that completion of the course will guarantee employment or earnings for the students; (4) advertise average salary ranges achieved by graduates unless such statistics are based on valid evidence; (5) advertise in any Illinois publication or on any Illinois radio or television station without prior Illinois school approval; (6) use the words "college" or "university" in its title unless approved; (7) imply that its courses carry college or university credit unless such credit has been authorized; or (8) use other than specified wording in referring to its Illinois approval. (p. 21)
- Unless it is part of the school's written and published policy, a school shall not represent that: (1) it will accept a limited number of persons from a geographical area; (2) applications will be considered for only a limited period of time; or (3) applications must be submitted by a certain date.
- The school shall not represent that: (1) any commodity or service is free when its cost is regularly included in the cost of the course; (2) its graduates will be able to secure positions because of course completion if such positions require additional training or experience; or (3) its credits are acceptable for admission or advanced standing at any school unless it has previously filed acceptable evidence. (p. 22)
- See 3g, item 2.
- No school shall promote or conduct a talent hunt or other such contests without written approval.
- Announcements of grants shall follow the Superintendent's approval. (p. 28)
- Solicitors' permits shall be issued only after approval of the school.
- A solicitor shall not represent in any way that: (1) the Superintendent's approval is other than verification that the school and its courses are in compliance with statute, rules, and regulations; (2) completion of the course will guarantee employment or earnings for the student; (3) the

solicitor has the designation of "registrar," "counselor," "advisor," or similar title; and (4) any commodity or service is free when it is regularly included as part of the course.

- The solicitor shall not make any fraudulent statement, misrepresentation, or misleading fact concerning any aspect of the school, opportunities for enrollment in any other school, or placement or salary statistics. The solicitor shall not guarantee employment. (p. 17)
- Evaluations of solicitors shall take place at least once each year. (p. 15)
- See 4c, item 21 regarding information requirements for solicitors' permit applications.
- Applications for solicitors' permits shall be accompanied by a continuous surety bond in the sum of $2,000. A school may supply a blanket bond. (See IL-01, 3i.)
- Officers or employees of the school, their relatives, or relatives of the solicitor shall not be used as character references for solicitor applications.
- See 4c.
- See 3j, item 1, point 4 regarding solicitor records.

j.
- The school shall maintain policies and procedures and have available for inspection a record-keeping system which shall include: (1) a safe, central repository for all records; (2) length of time active and inactive files shall be maintained and provisions for their storage and disposal; (3) administrative/supervisory and staff records which verify the information required; and (4) solicitor records which verify the information required and which shall include: (a) education/training, (b) area assigned to the solicitor and solicitor staff, (c) manner of remuneration, (d) past employment, (e) complaints filed against the solicitor, (f) letters of recommendation, and (g) other data to reflect solicitor competency.
- The school shall maintain and have available for inspection student records which include: (1) a safe, central repository for all records; (2) name, address, and date of birth; (3) education/training; (4) records of all entrance tests and other data received to determine the student's qualifications for admission; (5) title of course or courses taken; (6) date of enrollment; (7) payment record; (8) schedule of classes or required hours of attendance; (9) attendance and absences; (10) grades earned in each unit of the course taken; (11) evidence that students have been informed regularly of grades and rate of progress in each course; (12) final certificate of completion, or discontinuance of the course; (13) date certificate or diploma was issued; and (14) if placement service is offered, placement efforts to employ the student and place of employment. (p. 29)
- See 3i, item 1, point 4 regarding need to file letters of endorsement, etc.
- See 3g, item 2 regarding filing of evidence of students' meeting admission standards.

k.
- Total tuition shall be the same for all persons at any given time except for approved discounts (e.g., group enrollments) and for bona fide special payment plans. (p. 22)
- Schools may provide financial grants, gifts, and premiums from their own or other sources (including merit scholarships and/or work and service) only after written policies and procedures for each program have been approved. (Schools need only report financial grant programs from federal and state sources.)
- Remuneration for work and service scholarships shall not be in excess of prevailing local rates. (p. 28)
- See 3f, items 2 and 3.

- See 4c, item 23 regarding information requirements concerning payment plans.
- See 3f, item 2 regarding limits on the amounts of prepaid tuition that may be collected.
- See the item of 4c regarding the requirement to inform the Superintendent of all payment plans and options.

1.
- Students who, on personal initiative and without solicitation, enroll, start, and complete a course before the sixth day after the enrollment agreement is signed, may not cancel contracts and are not entitled to refunds. (Illinois has a 6-day cooling off period for contracts.)
- Applicants not accepted by the school shall receive a refund of all tuition and fees paid.
- Application/registration fees shall not exceed $75. Deposits or down payments shall become part of the tuition.
- The school shall mail a written acknowledgement of a student's cancellation or withdrawal.
- If the school cancels or discontinues a course, the student shall have all tuition, fees, and other charges refunded.
- All refunds shall be made within 30 calendar days from receipt of cancellation.
- Residence schools shall adhere to a pro rata refund policy which includes points 1 and 2 below or, as an alternative, points 1-7 below: (1) when notice is given within 6 days after enrollment, all charges shall be refunded; (2) when notice is given after the sixth day following enrollment but prior to the student's first day of class attendance, the school may retain no more than the application/registration fee; (3) when notice is given after the first day of class but prior to the completion of 10% of the course, the school may retain the fee and no more than 20% of the tuition and other instructional charges; (4) when notice is given after the completion of 10% of the course but before 25%, the school may keep the fee and no more than 30% of the tuition; (5) when notice is given after 25% but before 50%, the school may keep the fee and no more than 50%; (6) when notice is given after 50% but before 75%, the school may keep the fee and no more than 75%; and (7) after 75%, no refund is due.
- Correspondence schools shall adhere to a pro rata refund policy which includes points 1-3 below or, as an alternative, points 1-8 below: (1) when notice is given within 6 days following the date of enrollment, all charges shall be refunded to the student; (2) when notice is given after the sixth day but before distribution by the school of the first lesson, the school may retain no more than the application/registration fee; (3) when notice is given after the sixth day, follows distribution of the first lesson, but is given prior to the submission and servicing of the first lesson, the school may retain no more than the fee and $50; (4) when notice is given after the completion and servicing of the first lesson but prior to completion and servicing of 10% of the lessons, the school may keep the fee and no more than 20% of the tuition and other instructional charges; (5) when notice is given after completion of 10% of the lessons but prior to servicing 25%, the school may keep the fee and no more than 30% of the tuition; (6) when notice is given after the completion of 25% but prior to servicing 50%, the school may keep the fee and no more than 50%, (7) when notice is given after the completion of 50% but prior to 75%, the school may keep the fee and no more than 75%; and (8) when notice is given after the completion and servicing of 75% of the lessons, no refund is due.

- The school offering correspondence courses in combination with residence instruction shall provide that a minimum of 25% of the total tuition and other charges be assessed for residence instruction. On student notice of cancellation, the school shall adhere to the following minimum refund schedule: (1) when notice of cancellation is given during the home study portion of the course, the school shall adhere to a pro rata refund policy or to the policy listed for correspondence schools; and (2) when notice of cancellation is given during the residence portion of the course, the school shall adhere to a pro rata refund based on the tuition and other charges for instruction.
- Any refund policy more favorable to the student than those listed may be accepted. (pp. 25-28)

m. • All schools which offer or advertise a placement service for any course must file a certified copy disclosing the school's placement records during the past year for every course. They shall provide the percentage of graduates seeking placement who received bona fide job offers in the area for which they were trained. (p. 28)

n. • The school shall provide a copy of a policy indicating that public liability insurance has been obtained to protect students and employees. (p. 5)

- The school shall establish policies and procedures which ensure an "adequate evaluation service" which shall include written policies and procedures for grading materials, for their prompt return, and provisions for comments and suggestions for correction of errors and weaknesses by approved faculty evaluators. (p. 24)

4. Administration (IL-01-1):

a. • The Superintendent may, with written reasons, require a financial audit by a certified public accountant at the expense of the school and may request interim financial statements. (p. 5)

b. • The Superintendent may assess out-of-state schools for round-trip air transportation for one staff member to conduct an evaluation visitation in conjunction with a school's original application. (p. 14)

c. • The following information is required by application forms for certificates of approval: (1) name of the school, its ownership and controlling officers, members, managing employees, director, and an organization chart; (2) specific fields and courses of instruction and their specific purposes; (3) place(s) of instruction and a description of its/their physical and sanitary facilities; (4) specific listing of the equipment available; (5) educational and teaching qualifications of instructors and supervisors; (6) financial resources available, documented by a current balance sheet and income statement prepared and certified by an independent certified public accountant, or similar evidence; (7) maximum enrollment in each specified course of instruction; (8) evidence that it provides up-to-date equipment reasonably conforming to the state of the art; (9) evidence that it maintains adequate evaluation services; (10) copies of the student agreement to be used in Illinois; (11) methods used to collect tuition and delinquent payments; (12) copies of all advertising and promotion; and (13) signatures under oath by all officers of the school. (pp. 2-3)

- A "non-resident" school must certify its compliance status in the state in which it legally resides. (p. 2)

- An original or renewal applicant shall state the name, address, and corporate titles of all those having a beneficial (for profit) interest of 10% or more of the ownership.
- The school shall notify the Superintendent before: (a) changes in ownership, (b) an individual acquires 10% or more of the ownership, or (c) any change of address.
- The school shall provide evidence that it complies with government requirements for health and safety. (p. 3)
- The school shall report on physical and sanitary facilities which shall include descriptions of: (a) facilities for instruction and administration, with detailed floor plans for the places of instruction including dimensions, purpose, and number of students to be accommodated; and (b) offices, conference rooms, rest room/toilet facilities, checkrooms, lockers, or equivalent storage space.
- The school shall maintain and make available copies of signed leases, rental agreements, and service contracts including leases for space, instructional equipment, and tools.
- The school shall provide, initially, an itemized inventory for all instructional equipment, instruments, and tools utilized by students, including: (a) name of manufacturer, and (b) estimated year of manufacture. Revisions shall be submitted in renewal applications.
- The school shall provide written evidence that inventoried lists of institutional equipment meet its minimum course standards and prepare students to use kinds and types of equipment currently in use in industry. (p. 4)
- See 3f, item 1 for reporting requirements regarding financial resources.
- See 3f, item 2 regarding reporting of unpaid tuition.
- The school shall submit supporting documentation of the amounts spent during the previous fiscal year and estimates for the following year for such operational costs as: (1) teachers' salaries; (2) instructional equipment, materials, and supplies purchase and rental; (3) revision of programs and inservice training; (4) student records and guidance services; (5) advertising and promotion; (6) correspondence (home study) evaluation services; (7) placement; and (8) admissions.
- The Superintendent may require a copy of evaluation reports received during the year from accrediting associations, state education authorities, and other external evaluators. (p. 5)
- See 3n, item 1 regarding submission of evidence of insurance.
- Schools may be required to provide evidence of the business reputation of owners, officials, and administrative staff. (p. 6)
- Applications for approval to supervise in an approved school shall be made on forms provided and be accompanied by documents supporting the qualifications required or, upon petition, other evidence of qualifications.
- The school must notify the Superintendent of dismissals and resignations of supervisors, advise him of interim supervisory arrangements, and submit applications prior to employing replacements. Approval may not be transferred from school to school. (p. 7)
- All applications for approval to teach shall be made on forms provided and be accompanied by documents supporting qualifications from individuals who officially supervised teaching and work experiences and who can be reached for verification. Upon petition, other evidence may be provided. Applications must be submitted prior to permanent assignment. Approval is not transferable. (pp. 7-8)
- The school shall offer courses only at approved locations, although, in emergencies, permission to operate at a temporary location may be granted. (p. 10)

- A school may establish policies and procedures for students to demonstrate ability to take advanced courses; they shall be filed with the Superintendent. (p. 13)
- The school shall submit: (1) a certified statement as to whether it employs solicitors, with a list of solicitors; (2) school policies relative to recruitment of solicitors; (3) solicitor employment agreements and contracts; (4) minimum standards for solicitor employment, including position descriptions, if available; (5) copies of sales manuals and instruction materials provided to solicitors; (6) a description of the school's training program for solicitors including the blocks of time specifically allotted to: (a) the Private Business and Vocational Schools Act and these Rules and Regulations, (b) the school's faculty, program, and services, (c) the school's ethical, advertising, and promotional standards, and (d) the school's contracts including refund policies; (7) policies relative to solicitors' personnel files, which shall include character references and any complaints; (8) a description of the supervision of solicitors; (9) forms and criteria used for solicitor evaluation, which shall take place at least once each employment year; (10) advertising used for solicitor recruitment; and (11) copies of sales presentations and scripts used by solicitors. (p. 15)
- The school shall notify the Superintendent of dismissals and resignations of solicitors. He or she may request periodic verifications of the names and addresses of solicitors. (p. 18)
- The Superintendent shall be informed in writing of all payment plans and options available to students. (p. 19)
- See 3g, item 4 regarding evidence that shall be furnished concerning handicapped students.
- See 3k, item 1. All special payment plans shall be filed at application and implementation.
- See 3i, item 4, point 3 regarding filing of evidence that credits are acceptable for admission or advanced standing.
- Three copies of the catalog shall be filed with application or renewal. One shall be certified as true and correct. Supplements or errata sheets to the catalog shall be filed at the time of their implementation. (p. 23)
- Clearly stated written objectives for each course shall be provided.
- A residence school shall provide a course outline with the specific clock hours required for the completion of each unit of instruction.
- A correspondence school shall provide: (1) a course outline with a brief description of each lesson; (2) names of the authors and/or subject matter specialists for all lessons with a statement on their qualifications; (3) titles, authors and/or subject matter specialists, publishers, and copyright dates of all instructional materials; (4) the minimum passing scores for its tests and examinations; (5) a statement on methods used to determine ability to read materials; (6) lessons and examinations as requested by the Superintendent.
- The school shall provide a statement of methods, materials, and equipment needed for each course. (p. 24)
- See 3d, item 6 regarding submission of policies for determining student-faculty ratios.
- The school shall notify the Superintendent if a subject or course has been eliminated. (p. 25)
- See 3m regarding requirements to file placement statistics.
- The school may be requested to provide its tables used in calculating student refunds. (p. 25)

d.

e.
- Remittances for fees shall be by certified check, cashier's check, money order, or bank draft. (p. 10)
- See 4b, item 1 regarding payment for evaluation of out-of-state schools.

f.
- If a school seeking renewal is found to have remedial conditions not so serious as to cause denial, a certificate of approval with conditions enumerated and expiration date noted may be granted. Specifics of the conditions must be remedied within a specified period. (p. 12)

5. Enforcement (IL-01-1):

a.

b.

c.
- Termination of a school's surety bond coverage shall be grounds for the revocation of its certificate. (p. 9)
- Termination of solicitor bond coverage shall be cause for revocation of solicitor permits.
- Termination of a non-residence school's solicitor bond shall be cause for revocation of its certificate of approval. (p. 16)

d.
- Solicitors' bonds cover claims by Illinois students. They shall be conditioned to provide indemnification to any student suffering loss as a result of any fraud or misrepresentation used in procuring enrollment. (p. 16)
- See 3h, item 5 regarding prohibition of provisions in enrollment contracts.

6. Other (IL-01-1):

Bonding companies must provide the Superintendent with their reasons for bond termination. (p. 9)

Solicitors' personnel files shall contain any complaints. (p. 15)

IL-03

2. Application (IL-03):

"...no person...may establish and operate or be permitted to become incorporated for the purpose of operating a post-secondary educational institution without obtaining a certificate of approval...so to do." (p. 1)

Postsecondary educational institution means a privately operated college, junior college, or university offering instruction above the high school level either in residence or by correspondence.

3. Coverage (IL-03):

Upon the filing of an application for a certificate of approval, the State Board of Education shall make an examination to ascertain:

a.

b. ● That each course of instruction to be offered or given is adequate, suitable, and proper. (p. 1)

c.

d. ● That the teaching staff is adequately prepared to fulfill their instructional obligations. (p. 2)

e. ● That an adequate physical plant and adequate facilities are provided. (p. 1)

f.

g.

h.

i. ● That the institution does not promise or agree to any right or privilege in respect to professional examinations or to the practice of any profession in violation of the laws of this state.
   ● That the institution does not offer inducements that are designed to deceive the prospective student or make any promises which it does not have the present means or ability to perform. (p. 2)

j.

k. ● That the fee charged for the courses and the conditions and terms under which such fees are to be paid are reasonable. (p. 1)

4. Administration (IL-03):

a. ● The State Board of Education issues certificates of approval, and may make rules to carry out the purposes of this Act. (pp. 1, 3)

b. ● See the introduction to Section 3 regarding examinations.

c. ● Applications for certificates shall be made on furnished forms and shall contain statements of: (1) the proposed name of the institution and its proposed location; (2) the nature, extent, and purpose of the courses to be given; (3) the fees to be charged and the conditions under which fees are paid; (4) the education and experience of members of the teaching staff; and (5) the credential or certificate to be issued to students upon completion. (p. 1)

5. Enforcement (IL-03):

a. ● The Board of Education may investigate holders of certificates and conduct hearings to determine whether certificates should be revoked.
   ● The Board may subpoena witnesses, administer oaths, and take testimony. (p. 2)
   ● Any circuit court judge may, upon application of the accused person, complainant, or Board, order the attendance of witnesses and the production of books and papers. (p. 3)

b. ● The Board may, upon its own motion and shall upon a verified complaint of actions that would result in revocation, investigate the actions of certificate holders.
   ● Before revoking a certificate, a hearing shall be held at which the accused person and complainant present information relating the charges. (p. 2)

c. ● A certificate of approval may be revoked for: (1) violation of any of the conditions governing issuance of the certificate; (2) failure to comply with rules adopted by the Board; or (3) fraudulent conduct on the part of any person conducting the institution or employed by it which results in injury or financial loss to any enrolled student. (p. 2)
   ● Whenever the Board is satisfied that substantial justice has not been done, a rehearing may be ordered. (p. 3)

d. ● The circuit court or any judge, thereof, may compel obedience to its or his order by procedings for contempt. (p. 3)
   ● Upon the revocation of the certificate, it shall be surrendered, and may be seized if this is not done. (p. 3)
   ● Any person affected by a final administrative decision of the Board may have such decision judicially reviewed by the Circuit Court. Provisions of the "Administrative Review Act" shall apply.
   ● Violators of this Act shall be fined between $25 and $100. Each day's violation constitutes a separate offense.

IL-04

"A degree, diploma or certificate...may be awarded only by a degree granting institution. ...it shall not award any earned degree or diploma or other certificate...until one year after it has filed a written notice with and until such institution has received the authorization and approval of the [State Board of Education]."

"Except as permitted [see below], no educational organization...shall be authorized to award any degree, diploma or certificate, nor be approved as a degree granting institution unless it requires an appropriate period of instruction to be in residence." (p. 2)

"No corporate charter shall hereafter be issued to any entity to operate as or maintain a degree granting institution that has not been approved...under this Act; nor shall any foreign corporation be authorized or licensed to operate as or maintain a degree granting institution in this State that has not been approved...." (p. 4)

A degree granting institution means any educational facility operating as a school, academy, institute, junior college, college, university, or other entity which furnishes instruction toward or prerequisite to an academic or professional degree beyond the secondary school level, and which requires that in order to obtain a degree or diploma or certificate the recipient complete an appropriate course of class, laboratory, or research study _in person_ under an appropriate faculty. (p. 1)

Schools which do not conduct instruction in residence may award degrees, diplomas, or certificates and qualify as a degree granting institution upon approval of the Board of Education. Such schools must meet certain criteria. (See Section 3.)

Except:

a. Schools regulated by IL-03 or the Illinois Nursing Act.
b. In-service training programs conducted by businesses for the training of their personnel.
c. Educational or other improvement programs conducted by business, trade, or similar organizations for the benefit of their members.
d. Apprentice or other training programs conducted by labor unions. (pp. 4-5)

NOTE: Special treatment of correspondence schools.

3. _Coverage (IL-04)_:

a.

b.

c.

d. ● Included in the definition of a degree granting institution is the provision that instruction must be taken under a faculty whose members hold appropriate academic degrees or possess appropriate moral, intellectual, and technical skill and competence. (p. 1)

- A correspondence school must maintain a suitable and sufficient faculty for instruction in its degree, diploma, or certificate programs.

e. • A correspondence school must maintain physical facilities suitable and sufficient to the giving of a program of instruction of degree caliber in the fields wherein it proposes to grant degrees.

f. • A correspondence school must maintain a stability sufficient to carry out its obligations under the enrollment contract.

g.

h.

i. • Neither filing for nor the granting of permission to grant degrees shall mean that the relative merits of a course have been passed upon. The only statement that may be made is that the institution is authorized to grant degrees. Any other statement is unlawful. (pp. 3-4)

j. • A correspondence school must maintain its student records in a safe and suitable place so that there is reasonable assurance that they are and will remain available for all normal purposes for a reasonable period of time. (p. 3)

4. Administration (IL-04):

a. • The document is stamped with a correction indicating that references to the Superintendent of Public Instruction now refer to the State Board of Education.

- There is an Advisory Council on Degree Granting Institutions. No rule or regulation promulgated by the Board shall be effective unless approved by the Advisory Council. (p. 5)

b. • Authorized persons have the right to enter the premises of degree granting institutions and inspect or examine books, papers, or other records pertaining to the degree granting program. (p. 3)

c. • Notices of intent to grant degrees shall be under oath of the principal officer and shall contain: (1) the name and address of the school; (2) the names and addresses of the president or other administrative head, and of each member of the governing board; (3) a description of the degrees, diplomas, or certificates to be awarded and the courses prerequisite thereto; and (4) such additional information as may be prescribed.
   - An amendment to the notice shall be filed prior to the award of any degrees, etc., not already contained in the original notice.
   - The submission of the regular catalog of the institution shall, if it covers the matters above, be deemed to constitute compliance.

d. • Notices shall be kept current. Changes in facts shall be reported annually. (p. 2)

5. Enforcement (IL-04):

a. • See 4a regarding change in references. The Board may invalidate notices and revoke authorization to grant degrees. (See 5c.) (p. 3)
   - The Board, acting through the Attorney General, may proceed by injunction. (See 5d.)
   - The Advisory Council on Degree Granting Institutions hears appeals. Judicial review of its decisions is possible. (pp. 4, 5)

b.

c.
- For failure to permit entry, inspection, or examination or for obstruction thereof, a notice may be invalidated and authorization may be revoked. The Board may refuse to accept another notice until the refusal or obstruction has been withdrawn. (p. 3)
- Appeals of institutions subject to this Act lie with the Advisory Council. Provisions of the "Administrative Review Act" apply to all proceedings for the judicial review of final administrative decisions of the Advisory Council. (p. 4)

d.
- Actions such as invalidation of notices, revocation of licenses, and refusal to accept another notice shall be in addition to other penalties which may be imposed. (p. 3)
- Any entity making a false statement in any notice or amendment is guilty of perjury.
- Any other violation of this Act shall be subject to a fine of not less than $200 nor more than $10,000, to imprisonment for 2 years, or both. Each violation constitutes a separate offense.
- The Board, acting through the Attorney General, may proceed by injunction against any violation, but no such proceedings and no order issued shall bar the imposition of any other penalty. (p. 4)

6. Other (IL-04):

Nothing in this Act shall be construed to be a legislative finding with respect to the suitability of instruction given entirely out of residence as a preparation for the granting of degrees. (pp. 3-4)

IL-04-1

2. Application (IL-04-1):

The rules and regulations apply to private business and vocational schools desiring to offer degree programs. Such schools must first receive approval to operate as a private school under IL-01.

3. Coverage (IL-04-1):

a.
- Each institution shall have developed a cumulative institutional program philosophy in terms of the established goals of career training and job placement. It shall be stated in clear, precise terms and be readily identifiable with the program. (p. 3)
- The administration and supportive staff structure of the institution shall be such that duties and responsibilities are clearly understood and defined to facilitate the objectives and philosophy of the institution.
- Each institution shall have a chief administrative officer responsible for the overall direction of the students and institution and an appointed assistant administrative officer to assume responsibilities in the absence of the chief. (p. 17)
- Each institution shall have an advisory board to assist in policy making. The chief administrator shall avail himself of its services or report directly to it. (p. 18)
- See 3n, items 1 and 3.

b.
- Program objectives shall be stated in terms of performance skill competency and satisfaction of general education courses. (p. 3)
- The educational program shall be developed from the school's philosophy and the curriculum shall be related to the objectives of the program. (p. 14)
- The associate degree program shall be well organized with course content and integration in a sequence leading naturally to advanced courses.
- Time requirements to complete each course and program shall be stated in units of quarter hours, semester hours, or clock hours and must equate to a quarter or semester system. (p. 15)
- A two-year program shall consist of a minimum of 72 weeks of concentrated effort or equivalent.
- A semester system is defined as instruction scheduled for 16-18 week units of time.
- A quarter system has 10-12 weeks of instruction.

c.
- The associate degree program shall require the following: (1) a minimum of 55% of the course work in the major area of specialization; (2) a minimum of 20% in closely related areas of specialization; (3) 15% in general education; and (4) 10% electives. (p. 14) Very specific standards for the content of specialized programs are given in terms of minimum weeks and/or clock hours, specific courses to be used in curriculum construction, and, in some cases, skills to be acquired. (See pp. 23-40.)
- To receive the associate degree, students must have been enrolled in an approved program for at least one year. Their final year shall be in attendance at the school granting the degree. (p. 15)

- Part-time students shall be held accountable for the total course, clock hours, semester, or quarter hour requirements. (p. 16)

d.
- Faculty members shall be adequately and appropriately prepared in the subject matter taught.
- A baccalaureate degree, with sufficient program content in the subject area, shall usually be required.
- Instructors with less than a baccalaureate, applying to teach in areas where academic and vocational training at that level is available, shall be evaluated on the basis of formal academic training and the practical background experience qualifications in the assigned instructional areas. (pp. 16-17)
- Instructors with less than a baccalaureate in areas where academic or vocational preparation is unavailable shall be eligible for teaching by filing an extenuating circumstances appeal attesting to the practical preparation of the instructor. (p. 16)
- Presently employed instructors who have not had formal instruction in "methods of teaching" shall have until 1 July 1974 to complete a minimum of 30 clock hours of education methods classes. Only non-degree instructors shall comply with this rule. (p. 17)

e.
- The facilities shall be readily accessible and sufficiently extensive to provide the services offered by the institution. (p. 21)
- The facilities shall be properly maintained, identifiable as an educational institution, and meet applicable fire, safety, building, sanitation, heating, lighting, and ventilating standards and codes.
- Adequate and properly maintained equipment shall be available.
- Institutions shall make necessary physical plant changes so that physically handicapped students who are academically qualified can take training. (p. 22)

f.
- A certified copy of the institution's financial statement shall accompany its self-study. (p. 9)
- The financial structure of the institution shall be stable and adequate for the implementation of the degree program and the projected growth of the institution. (p. 21)

g.
- Students shall be high school graduates or hold the GED equivalency. (p. 15)
- See 3e, item 4.

h.
- The bulletin or catalog shall include the following in addition to the contents required by IL-01 and IL-01-1: (1) degree programs and dates they were approved; (2) counseling and placement services; and (3) listing of administrative personnel and faculty, degrees held, and subjects taught. (p. 10)

i.
- Recruitment of students shall be restrained to locating and informing those students which the institution can serve. Entrance examinations for low achieving high school graduates or GED students shall properly identify the student's ability in the program.
- The associate degree shall not be identified as a transferable degree in recruiting. (p. 18)

j.

k.

l.
- There shall be a cancellation and refund policy which, while protecting the interests of students, recognizes the obligation they undertake by contracting for training.
- Application fees shall not exceed $25. Deposits or down payments shall become part of the tuition.

- Applicants who are not accepted shall receive a refund of all tuition and fees paid. (p. 18)
- When a student seeks to cancel or withdraw because the school has violated any part of the rules and regulations, all tuition, fees, and other charges shall be refunded to him. (See 5b, item 1.)
- Residence schools shall adhere to a pro rata refund policy which includes points 1 and 2 below or, as an alternative, points 1-7 below: (1) when notice is given within 6 days after enrollment, all charges shall be refunded; (2) when notice is given after the sixth day following enrollment but prior to the student's first day of class attendance, the school may retain no more than the application/registration fee; (3) when notice is given after the first day of class but prior to the completion of 10% of the course, the school may retain the fee and no more than 20% of the tuition and other instructional charges; (4) when notice is given after the completion of 10% of the course but before 25%, the school may keep the fee and no more than 30% of the tuition; (5) when notice is given after 25% but before 50%, the school may keep the fee and no more than 50%; (6) when notice is given after 50% but before 75%, the school may keep the fee and no more than 75%; and (7) after 75%, no refund is due.
- Tuition paid in advance shall not exceed that for one year. The refund policy for the second year is the same as that for the first. (p. 20)
- In cases where hardship or circumstances beyond the control of the student make course completion impractical, the school shall make a settlement that is fair and reasonable, subject to approval. (p. 21)

m. • An annual follow-up study of all degree graduates shall identify where each student secured employment and the initial salary, and shall be available upon request. (p. 22)

n. • Institutions shall have been in operation under the supervision of the Superintendent of Public Instruction for a minimum of two calendar years prior to filing an application for degree granting status. (p. 1)
- Degree program requirements shall permit students to complete the initial program should the institution seek to change specific requirements. Such a program shall be available to the student in the normal pursuit of the course of study.
- The program shall have been offered for 2 years prior to degree authority. (p. 15)
- The institution shall have a stated policy reflecting the acceptance of training and credit from other institutions. (p. 18)

4. Administration (IL-04-1):

a. • Approval to grant degrees is given by the Office of the Superintendent of Public Instruction. (p. 1)
- The Advisory Council on Degree Granting Institutions shall assist in the approval of applications. (p. 13)

b. • Following a review of the application for degree granting status and of the institutional self-study (see 4c), a visitation to the school shall be made by a team selected by the Office of the Superintendent.
- The team shall study current documents to become familiar with the school and shall react to the following on-site: (1) organization and administration; (2) philosophy; (3) objectives; (4) degree programs; (5) instructional personnel (qualifications, degrees, teaching load, turn over); (6) instructional materials; (7) library; (8) physical facilities; (9) equipment; (10) policies and procedures (recordkeeping, grades, tuition and refunds, recruitment, admission, financial documents); (11) supportive student services; (12) financial responsibility; and (13) history of institutional development. (pp. 11-13)

- A meeting shall be held with school officials during the visit to discuss the review.
- A second visit shall be made within one year of the first to review the institution and verify the recommended policies and procedures.
- All institutions shall be evaluated every three years by a professional evaluation team visiting in conjunction with a representative of the Superintendent's office.
- If a change in ownership occurs, an evaluation of proposed or approved degree programs shall be made within one year of the change. (p. 13)

c.
- Schools seeking approval must file a written notice requesting authority to award a degree.
- A written self-evaluation report following guidelines and documenting the school's intent and integrity shall be prepared with full faculty involvement and submitted. Areas to be covered include: (1) identification; (2) educational task; (3) financial resources; (4) organizational structure; (5) adequacy of the proposed program in serving the purposes of the institution; (6) institutional policies and practices fostering faculty morale; (7) student achievement correlation with the purposes of the institution; and (8) facility adequacy for carrying out the educational task of the institution.
- Specific information requirements were listed in detail for each area of the self-evaluation report. Requirements for Area (1) were: name and address of the school, names and addresses of administrative officers and members of the advisory board, and a history of the school. For Area (2), statements of philosophy and objectives were required. Area (3) required a 5-year financial position projection and a statement of institutional dependency on state and/or federally sponsored programs and the number of students in each sponsored program. Area (4) required an organizational flow chart, identification of officials who make policy decisions, faculty involvement in decisions, etc., and authority and duties of the advisory board. Area (5) required: a program description which includes course descriptions, sequence, duration, and schedule of courses and instructor; an identification of the relationship of general education courses to the program; and provisions for on-the-job training including type and location, supervision, and duration. Information requirements for Area (6) were: identification of full- and part-time faculty including degrees, major and minor subject areas, number of years at the institution, area of instruction, practical and total educational experience, professional organization membership, and for part-time faculty, other places of employment; a detailed listing of all supportive personnel and a job classification for each; a listing of terminated/resigned faculty members for the preceeding 3 years; faculty employment policy including contract or salaried, hourly wage, and benefits; policy regarding administrative and faculty workshops including in-service training, meetings, and similar programs; and a summary of areas of faculty strengths and weaknesses. For Area (7), schools must identify policies and procedures related to: admission; tuition and refunds; graduation; acceptance and transfer of credits from other institutions; student counseling, probation, and dismissal; student record system including type of information, file storage, and security control; student social program; placement program; student course and program selection; and availability of instructional materials. Area (8) requires submission of: a floor plan and complete description of classrooms, laboratories, equipment, restrooms, library, instructors' offices, admissions office, administrative offices, cafeteria or lounge, dormitory, and safety features; a list of all owned

or leased audiovisual equipment, its condition, and areas of programmed instruction and materials; policy regarding library including adequacy, percent of institutional budget assigned to library, number of books, etc.; policy regarding faculty and student involvement in library acquisitions; librarian's responsibilities; and description of library circulation system and plans for development. (pp. 2-9)

- The following forms shall accompany the self-study: (1) certified copy of the financial statement; (2) copy of current certificate of approval or other proof of authorization to operate; (3) copy of the catalog; (4) copy of the student entrance exam, if used; and (5) additional information if requested. (pp. 9-10)
- Institutions approved to offer degree programs shall annually submit an updated institutional evaluation report on forms provided. (p. 13)
- See 3d, item 5 regarding faculty extenuating circumstances appeal.

d. • All institutions offering approved degree programs shall be evaluated every 3 years.
 • Annual updates of evaluation reports are requested. (p. 13)

5. Enforcement (IL-04-1):

a.

b. • (See 31, item 4 regarding refunds in cases where students withdraw due to the school's violation.) If the student and the school are in disagreement as to whether violations have occurred, a final determination will rest with the Office of the Superintendent of Public Instruction. (p. 19)

c.

d. • See 31, item 4.
 • The terms of the refund policy shall not prejudice the student's right to recover in an action for breach of contract or fraud. (p. 20)

IL-04-2

NOTE: The text of IL-04-2 is essentially the same as that of IL-04-1. Only those sections of IL-04-2 that are different have been abstracted.

3. Coverage (IL-04-2):

b. ● The baccalaureate program shall consist of a minimum total of 144 weeks of concentrated effort, in full-time attendance.
c. ● Ordinarily, students must have taken 2 or more years in residence at the institution granting the degree. (p. 14)
   ● Sixty-five percent of the coursework shall be in the major area of specialization, 25% in the area of general education, and 10% electives for the baccalaureate degree. (p. 13)
d. ● Instructors shall ordinarily have a baccalaureate or advanced degree. (p. 14)
i. ● The institution shall not advertise or imply that the baccalaureate degree is a transferable degree unless such transferability is documented. (p. 16)
n. ● The program for which baccalaureate degree authority is requested shall have been offered, in residence, for 2 years prior to degree authorization. (p. 14)
   ● Generally, the associate degree is viewed as most appropriate for private business and vocational schools. The Office of the Superintendent of Public Instruction continues to adhere to this philosophy, but will approve baccalaureate level programs on a selective basis, where appropriate. (p. iii)

4. Administration (IL-04-2):

c. ● The institution shall submit a statement that it is in compliance with current federal and state civil rights statutes and provisions. (p. 8)

IL-03-1/IL-04-3

2. Application (IL-03-1/IL-04-3):

"An institution may state that its programs are approved and that it is authorized to award specific degrees only after such approval and authorization has been granted..." (p. 2)

See IL-03 and IL-04 for the types of schools required to comply with these rules.

Except:
Institutions established prior to approval of IL-03 and/or IL-04 which are accredited by a recognized agency and are degree-granting shall be in compliance by annually filing a catalog and such other information as required (p. 2)

NOTE: Exception above regarding accreditation.

NOTE: Evaluation with regard to approval to grant degrees will substantiate the status of the institution with accrediting associations. (p. 14)

3. Coverage (IL-03-1/IL-04-3):

a. • See 4c, item 3, points 1 and 3, and item 4, point 1.
   • See 5c, item 2, points 2 and 3.
b. • See 4c, item 3, point 1, and item 4, point 3.
   • See 5c, item 1, point 3, and item 2, point 4.
c. • See 4c, item 3, point 1.
d. • See 4c, item 3, point 5, and item 4, point 1.
   • See 5c, item 1, point 4, and item 2, point 5.
e. • See 4c, item 3, point 4, and item 4, point 1.
   • See 5c, item 1, point 7, and item 2, point 6.
f. • See 4c, item 3, point 3, and item 4, point 1.
   • See 5c, item 1, points 2 and 7, and item 2, point 8.
g. • See 4c, item 3, point 5.
   • See 5c, item 1, points 5 and 8.
h.
i. • An institution shall not state that it is "accredited" by the State of Illinois but may state that it is approved to operate if this is so. (p. 2)
   • An institution without authority to award specific degrees is prohibited from advertising or implying it has such authority. (p. 15)
j. • See 4c, item 3, number 6.
   • See 5c, item 1, number 6.
k.
l.
m.
n. • See 5c, item 1, number 8, and item 2, number 9.

4. Administration (IL-03-1/IL-04-3):

a.
- Applications to operate an institution or for approval to offer degree programs and authority to award degrees shall be made to the Post Secondary Education Section of the State Board of Education. (pp. 5 and 11)
- The professional staff of the Board recommends approval or disapproval. (p. 8)
- The professional staff of the Board may consult with other agencies or individuals regarding approval of degree authority. (pp. 14-15)
- The professional staff shall present recommendations of the Advisory Council on Degree Granting Institutions to the Board.
- The Board shall inform the applicant of its decision regarding degree-granting authority. (p. 15)
- See 4b, items 2 and 3.

b.
- The Board shall conduct reviews and/or visitations as is necessary for the implementation of the statutes. (p. 3)
- Applications shall be evaluated by professional staff of the Board and other professional consultants. (pp. 6 and 12)
- The evaluation shall require consultation and an on-site visit with the applicant by professional staff of the Board and professional consultants as deemed appropriate. (pp. 8 and 14)

c.
- See the exception in Section 2.
- See 4a, item 1.
- Applications shall include: (1) name, location, philosophy and objectives, nature and extent of proposed courses, and degree or credential to be offered; (2) statement describing the desirability of the institution and the contribution it will make to the educational resources of the State; (3) description of the governance, and administrative structure, funding plans and anticipated sources of revenue; (4) description of the physical facilities, equipment and resources required and plans for their acquisition; (5) the policies governing selection and retention of faculty and students; and (6) provisions for maintenance of official records. (pp. 5-6)
- Applications for authority to award degrees shall be made 2 years in advance and include: (1) information on financial administrative, instructional, and physical resources of the institution; (2) evidence of the desirability of the proposed program and its appropriateness to the philosophy and objectives of the institution; and (3) description of the proposed curriculum and plans for its implementation. (pp. 11-12)
- Institutions with authority to award some degrees which are not covered by the exception in Section 2 that desire to award additional degrees shall file a written request for approval to do so at least one year in advance. (p. 12)

5. Enforcement (IL-03-1/IL-04-3):

a.

b.

c.
- Application for approval to operate shall be evaluated to substantiate that: (1) information is accurate; (2) a rationale for the institution has been established and there is evidence of ability to provide the education proposed; (3) the courses shall be appropriate to the philosophy and objectives; (4) the instructional staff shall be adequately and appropriately prepared; (5) policies governing student entrance require-

ments shall be reasonable; (6) student records shall be available and adequate provision shall be made to keep them secure from damage or loss; (7) there is evidence that the financial support is sufficient to insure its survival and to provide for an adequate physical plant and necessary instructional and non-instructional resources; and (8) the institution complies with current civil rights statutes and all other applicable statutes. (pp. 6-8)

- Applications for authority to award degrees shall be evaluated to substantiate that: (1) information is accurate and complete: (2) a rationale for the program has been established and its title is appropriate; (3) the stated philosophy and objectives indicate appropriateness; (4) the proposed curriculum is adequate; (5) the instructional staff shall be adequately and appropriately prepared; (6) the physical facilities, library resources, and laboratory facilities and equipment are adequate; (7) that the accreditation status is appropriate; (8) financial resources shall be sufficient to insure program completion; and (9) the institution complies with civil rights provisions and all other statutes. (pp. 12-14)
- Disapproval of an application shall not preclude subsequent applications after 1 year has elapsed. (pp. 8, 15)
- Decisions may be judicially reviewed in accordance with IL-03 and IL-04.

6. Other (IL-03-1/IL-04-3):

See 4c, item 3, number 2, and item 4, number 2.

IL-05

2. Application (IL-05):

   Applies to the public universities, colleges, and junior colleges established or authorized by the General Assembly.

3. Coverage (IL-05):

   a.
   - The Board of Higher Education shall formulate a master plan (including curricula and standards) for higher education and submit drafts of proposed legislation to effectuate the plan to the General Assembly and the Governor. (p. II-3)
   - The governing boards of public institutions shall retain all the powers and duties given them by statute, except as they are limited by the powers and duties delegated to the Board of Higher Education. (p. II-8)

   b.

   c.

   d.

   e.

   f.
   - The Board shall receive and administer funds from the federal government or other public or private agencies.

   g.
   - The Board shall establish minimum admission standards for public junior colleges, colleges, and state universities. Admission standards for out-of-state students may be higher than for residents. (p. II-7)
   - Individual state universities shall not be prevented from establishing higher minimum admission requirements. (p. II-8)

4. Administration (IL-05):

   a.
   - The Board may examine the books, records, and files of any public institution on matters germane to its responsibilities, subject only to laws or regulations pertaining to confidentiality of information or data.

   b.
   - The governing boards of public institutions shall not establish any new unit of instruction without the approval of the Board, including the establishment of a college, school, division, department, or a new branch or campus.
   - Such governing boards shall submit all proposals for a new unit of instruction to the Board, which may approve or disapprove the proposal.
   - The Board is authorized to review periodically all existing programs of instruction at the state universities and colleges and to advise the appropriate board if each program is not educationally and economically justified. (p. II-5)

   c.
   - Each governing board shall biennially submit its budget proposals to the Board of Higher Education which shall submit its recommendations to the General Assembly and the Governor.

IL-06

2. Application (IL-06):

Applies to community colleges statewide which shall offer courses in liberal arts, sciences, general, and adult education; at least 15% must be occupational and technical education courses which lead directly to employment.

A public community college may accept out-of-state students upon payment of the per capita cost. (p. 1497)

3. Coverage (IL-06):

a.
- The board of each community college district shall adopt and enforce all necessary rules for the management and government of the college(s) of its district. (p. 1484)

b.
- The State Board (Illinois Community College Board) shall have the power and the duty to determine the standards for the establishment and for the recognition of community colleges, provided that the district is deemed adequate for the maintenance of a college offering the basic subjects of general education and suitable vocational and semiprofessional and technical curricula. (p. 1468)
- The academic term of community college district shall be determined by its board with the consent of the State Board. (p. 1481)

c.
- The State Board, in cooperation with the 4-year colleges, shall develop articulation procedures for maximum freedom of transfer among community colleges, between community colleges and degree granting institutions, and consistent with minimum admission policies established by the Board of Higher Education. (p. 1468)

d.
- Each district board shall have the duty to make appointments and fix salaries of administrators and teachers, and may not discriminate on account of sex, race, creed, color, or national origin. (p. 1484)
- The Board shall determine standards for instruction and teaching, curriculum and libraries, and grant recognition certificates to colleges meeting these standards. (p. 1468)

e.
- The Board shall determine efficient and adequate standards for the physical plant, heating, lighting, ventilation, sanitation, safety, equipment, and supplies.

f.

g.
- Community college districts shall admit all students qualified to complete any program as long as space for effective instruction is available; if space is not available for all students applying, those best qualified, on the basis of rank in high school class and ability and achievement tests, shall be given preference.
- District residents shall be given preference unless the district has a contract with another district for the mutual exchange of students. (p. 1481)
- Qualified students not residing in a community college district may attend any recognized public community college in the state. (p. 1496)

h.

i.

j.
- Each district board shall maintain records to substantiate all claims

for state apportionment. (p. 1484)

k. • For purposes of tuition, a full-time student is defined as doing 15 semester hours of work per semester or 15 quarter hours per quarter.
   • A district may establish variable tuition rates and fees for students in an amount not to exceed one-third of the per capita cost. (p. 1497)

4. Administration (IL-06):

a. • The State Board shall cooperate with the community colleges in continuing studies of student characteristics, admission standards, grading policies, performance of transfer students, qualification and certification of facilities, and any other problems of community college education.

b. • The State Board shall have the power to approve or disapprove new units of instruction, research, or public service submitted by the boards of the community college districts. (p. 1468)
   • Applications for recognition shall be made by the district boards to the State Board, which shall grant recognition to colleges that maintain equipment, courses of study, standards of scholarship, and other requirements set by the Board.
   • The executive officer of the State Board shall arrange for an official evaluation of the community colleges and shall grant recognition to those that meet the required standards. (p. 1469)

c. • The State Board shall biennially submit a detailed report to the General Assembly on the status of the community colleges, and recommendations for necessary legislation. (p. 1468)
   • Each district board shall have an annual audit including a verification of student enrollments, which shall be filed with the State Board and with the Board of Higher Education.
   • Each district board shall annually publish a financial statement in accordance with rules and regulations issued by the State Board. (p. 1484)

INDIANA

1. Identification:

IN-01

"An act to amend IC 1971, 20-1, concerning the accreditation of private schools." Public Law 313, Acts of 1971, as amended (Chapter 28-6206 through 28-6229, Indiana Code 20-1-19-1)

Effective date: 1 July 1972

Stated purpose: "It is the purpose of this act to protect students, educational institutions, the general public and honest and ethical operators of private schools from dishonest and unethical practices." (p. 2)

Basic effect: Creates the Indiana Private School Accrediting Commission; requires schools to obtain Commission accreditation before doing business in the state; requires agents representing private schools doing business in the state to obtain permits; requires schools and agents to be bonded; and sets a few general standards schools must meet.

Basic coverage: Private non-degree granting (but see Section 2, IN-01-1, regarding degree granting authority of Commission)

IN-01-1

Rules and Regulations of the Indiana Private School Accrediting Commission under the authority of IC-20-1-19-4

Date promulgated: 10 December 1975

Stated purpose:

Basic effect: Establishes detailed procedures for application, evaluation, and accreditation of schools; establishes some standards schools must meet.

IN-02

An Act to amend L.C. 1971 concerning the Commission for Higher Education (State Enrolled Act No. 50)

Effective date: 1975

Stated purpose: Amends the legislation (1971) creating the Commission by adding Section 8, The powers and duties of the Commission.

Basic effect: Authorizes the Commission to serve as the coordinating agency for postsecondary education with the duties of long-range planning, reporting and making recommendations to the General Assembly and Governor, reviewing budget requests and making recommendations concerning appropriations, and approving or disapproving new branches or additional programs or degrees.

Basic coverage: Public degree and non-degree granting

IN-01

2. Application (IN-01):

"...no person shall do business as a private school in the State without having obtained accreditation." (p. 3) "Persons representing any private school doing business in this State by offering courses shall not sell any course or solicit students therefor unless he first secures an agent's permit from the Commission." (p. 7)

"Accreditation" means a certificate issued by the Commission.

"Private school" means persons offering educational services for a fee in any technical, professional, mechanical, business, or industrial occupation, at a designated location or by mail. (p. 1)

Exemptions:

a. Schools financed in whole or part by public funds.
b. Schools approved or regulated by any state board.
c. Private elementary and secondary schools.
d. Schools maintained by employers for employees or potential employees, without charge.
e. Schools maintained by labor unions for members, without charge.
f. Schools offering instruction which is clearly self-improvement, motivational, or avocational (including private tutoring).
g. Montessori and nursery schools.

NOTE: The Commission may waive inspection of schools accredited by an agency with Commission-approved standards.

NOTE: Valid approval to operate issued by another state may be accepted in lieu of inspection if the state's requirements meet those of this Chapter and the state extends reciprocity. (p. 6)

3. Coverage (IN-01):

a.

b.

c. ● See 4c below.

d. ● No accreditation shall be issued until minimum standards appropriate to the school are met concerning adequate number of qualified instructors sufficiently trained by experience and/or education to give the training. (pp. 5, 6)
- ● See 4c below.

e. ● See 4c below.
- ● No accreditation shall be issued until minimum standards appropriate to the school are met concerning: (1) satisfactory training facilities with sufficient tools, supplies, and equipment and necessary number of classrooms or work stations to adequately train the number of students enrolled (p. 5), and (2) sanitation, healthfulness, and safety of premises and conditions for work and study, according to modern standards. (pp. 5, 6)

f. ● See 4c below.

- Applications for accreditation shall include a surety bond of at least $5,000 or 10% of the preceding school year's annual gross tuition charges, whichever is larger, not to exceed $25,000 and executed by a surety company authorized to do business in the state. Surety may be released on 30-day written notice to the Commission, provided that no sureties on the bond shall be released unless all sureties on the bond are released. The bond shall cover the period of the accreditation. (p. 4)
- No accreditation shall be issued until minimum standards appropriate to the school are met concerning the sound financial structure, with sufficient resources for its continued support. (p. 5)
- Applications for an agent's permit shall include a surety bond acceptable to the Commission of not less than $5,000, which may be continuous and may be supplied by the school as a blanket bond covering each of its agents in the amount of $5,000. Surety may cancel the bond on 30-day written notice to the Commission. (p. 8)

g.

h.

i. • No accreditation shall be issued until minimum standards appropriate to the school are met concerning truthfulness and freedom from misrepresentation of advertising and representations made to prospective students on behalf of the school. (p. 6)
- No person shall: (1) make statements or representations in regard to a course when he knows or reasonably should have known such to be false, deceptive, substantially inaccurate, or misleading; (2) promise employment utilizing training unless he offers the student a bona fide contract for employment of at least 90 days in a relevant enterprise regularly conducted by him; or (3) participate in course conduct or administration if he knows or reasonably should have known that it is carried on by fraud, deception, or other misrepresentation. (p. 7)
- Accreditation or agent's permit is not approval of a school, course, or person, and representation that it is is misrepresentation. (p. 9)
- See 4c below.

j.

k. • No accreditation shall be issued until minimum standards appropriate to the school are met concerning the charges made for training, which shall be clearly stated and based on service rendered.

l. • See 4c below.

m.

n. • See 4c below.

4. Administration (IN-01):

a. • The Indiana Private School Accreditation Commission, with the Superintendent of Public Instruction as its chairman, may: (1) adopt reasonable rules and regulations to implement the intent of this Act; (2) hire staff and use a seal; (3) issue, refuse, revoke, or suspend accreditation; (4) investigate schools prior to accreditation; and (5) issue or revoke agents' permits and temporary permits. (pp. 3, 5, 6, 7, 8)

b. • Upon receipt of applications, the Commission shall make an investigation to determine accuracy of statements and whether school meets minimum standards. (p. 5)

c.
- Applications shall be in writing, on forms provided, and shall include at least the following information: (1) name and address of the private school and its officers; (2) places where the courses are to be provided; (3) types of courses to be offered, form of instruction to be followed with the class, shop or laboratory, and hours required for each curriculum; (4) form of certificate, diploma, or degree awarded; (5) statement of school finances; (6) physical facilities, including classrooms, laboratories, library, machinery and equipment, toilets, showers, and lavatories; (7) an explicit statement of policy with reference to solicitation of students, payment and amount of student fees, and conditions under which students shall receive a refund of paid fees; (8) provisions for liability insurance of students; (9) maximum student-teacher ratio; and (10) minimum requirements for instructional staff. (p. 4)
- A separate agent's permit must be obtained for each school represented. (p. 7)

d.
- Accreditation shall expire on the 30th of June following its issuance. An agent's permit is valid 1 year from date of issuance. (pp. 6, 8)

e.
- Fee to be submitted with application for accreditation, for processing, and school evaluation is not less than $100; fee for issuance of accreditation is not less than $25; renewal fee is $25. Fee for an agent's permit is not less than $10; for renewal, not less than $10. (pp. 3, 6, 8)
- Costs of performing an on-site investigation shall be borne by the school, but shall not exceed $500 for a school within Indiana. (p. 5)
- All fees shall be deposited in the state General Fund. (p. 10)

f.
- If an agent's permit is not granted or denied by the Commission within 15 working days, that Commission shall grant a temporary permit sufficient for requirements of this chapter, until final determination is made. (p. 8)

5. Enforcement (IN-01):

a.
- The Indiana Private School Accrediting Commission refuses, revokes, or suspends accreditation and agents' permits and holds required hearings. (pp. 6, 7)
- The county prosecuting attorney shall, at Commission request or on his own motion, bring any appropriate action including, but not limited to, a mandatory and prohibitive injunction. (p. 9)

b.

c.
- Accreditation will be suspended when the school is no longer covered by a surety bond. (p. 5)
- Accreditation may be revoked for cause upon notice and opportunity for Commission hearing. (p. 6)
- After notice that accreditation is refused, revoked, or suspended, a school may apply for and receive a hearing within stated time limits. The school may present evidence and be represented by counsel. The Commission shall make written findings of fact and decision based solely on evidence submitted at such hearings, and grant or deny accreditation within stated time limits.
- Accreditation shall be suspended whenever a school makes distinctions among students or in enrollment on the basis of race, color, or creed. (p. 7)
- Agents' permits may be revoked upon 10 days notice and after a hearing if the holder solicits students through fraud, deception, or misrepresentation or is found not to be of good moral character. (p. 8)

- Any Commission action to deny or revoke accreditation or permit is subject to review. (p. 9)

d.
- Bonds for school accreditation shall provide indemnification to any enrollee who suffers loss due to school failure or neglect in faithfully performing all agreements, express or otherwise, with enrollee or parents or guardians, as represented in the accreditation application and supporting evidence, or due to school failure or neglect in operating courses in compliance with standards of this Act. (p. 4)
- Agents' bonds shall provide indemnification to any student suffering loss because of fraud or misrepresentation used in procuring enrollment. Liability of such bond shall not exceed a sum determined by the Commission as an aggregate for all breaches of bond conditions for all students by all agents covered under a blanket bond.
- Existence of a bond shall not limit or impair right of recovery or amount of damages due plaintiff. (p. 5)
- Contracts with schools not accredited to operate in Indiana are void. (p. 9)
- Penalty for violating any provision of this chapter shall, upon conviction, be imprisonment for not more than 6 months or a fine of not more than $1,000, or both, unless the person has represented himself as a school agent with intent to defraud, in which case penalty shall be imprisonment for not more than 1 year or a fine of not more than $5,000, or both. (See 1976 amendment, not cataloged.)
- See the second point of 5a.

IN-01-1

2. Application (IN-01-1):

"No person representing any private school doing business in Indiana or domiciled in Indiana seeking to solicit students from other states may do so until he first secures an agent's permit." (p. 14)*

"Profit and non-profit" schools are specifically included.

Exemptions:
Same as IN-01 except
    h. which ends "...and is clearly not of value in seeking or obtaining gainful employment." (p. 4)

NOTE: The Commission may extend degree authority to schools wishing to grant any degree and which meet established criteria. See 3b, 3c, 3d, 3e, 4a, and 4d below for specific Commission powers and requirements for schools. (pp. 25-26)

3. Coverage (IN-01-1):

a. ● Each school shall have administrative organization and procedures best suited to it. Each school shall maintain a current organizational chart indicating clear delineation of duties. (pp. 23, 24)
   ● The administrator is to see that educational philosophy and objectives of the school are achieved, and to be directly responsible for course content, method of instruction, selection of instructors, organization of classes, facilities, equipment, student services, and records management. Each school shall also have a designated assistant administrator to serve in the administrator's absence. (p. 23)
b. ● Additional standards for award of degrees (see NOTE above) are: (1) 50% of the curriculum shall be professional subjects germane to the major area of study; and (2) 50% shall be nonprofessional courses closely related to the professional subjects. (pp. 25, 26)
c. ● Minimum requirements for the associate degree are 96 quarter hours, 64 semester hours, or 960 clock hours; for the professional specialist degree minimum requirements are 154 quarter hours, 96 semester hours, or 1540 clock hours; and for the Bachelor of Science degree minimum requirements are 192 quarter hours, 128 semester hours, or 1920 clock hours.
   ● Only Commission-recognized schools are authorized to award a diploma, and minimum requirements are 72 quarter hours, 48 semester hours, or 720 clock hours.
   ● A certificate of completion may be awarded by any school for completion of a course lasting less than the above limits. (p. 25)
d. ● Administrator and assistant administrator qualifications shall be: (1) a 4-year degree from a recognized college or university; or (2) the

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*The school's designated chief administrative officer need not follow procedures to obtain an agent's permit, but may receive one on request. (p. 4) equivalent in necessary special training, which may be combined post-high school training, teaching, and administrative experience in the industry. In addition, the administrator must possess knowledge of educational literature in the field and of methods and techniques of handling industrial, commercial, and occupational/vocational training.

- Teachers' minimum qualifications shall be: (1) a 4-year degree from an approved school in the major area they teach; or (2) a 2-year degree with the same stipulations; or (3) at least 2 years practical experience in the major area they teach. In addition they must possess knowledge of educational literature, etc., as in item 1 above. (p. 23)
- Additional standards for award of degrees, diplomas, or certificates require that: (1) one-third of all upper division courses shall be taught by teachers with master's degrees or at least 10 years' documented, practical experience; and (2) two-thirds of the teachers shall have either a degree from a recognized 2- or 4-year college or university or the equivalent in practical experience, or any combination of special training and practical experience. (p. 26)

e.

- All schools must meet local and state requirements concerning fire, health, and safety standards, and maintain current certificates of inspection. (p. 24)
- Additional library standards for award of degrees are: (1) for the associate degree or professional specialist degree, at least 200 volumes of professional material and access to additional nearby facilities; and (2) for the bachelor of science degree, at least 500 such volumes and similar access.
- Library facilities will be evaluated individually based on the type of school.
- Schools shall maintain training facilities with sufficient tools, supplies, equipment, and work stations to train enrollment or proposed enrollment, and will be evaluated by type to insure maintenance of proper facilities. (This point and the last appear to apply to schools granting degrees or diplomas/certificates. See p. 26.)

f.

- Bonds shall be payable to the State of Indiana. (p. 2)
- School bonds shall be in the amount of $5,000 or 10% of the preceding year's gross tuition up to $25,000. Agents' bonds shall be in the amount of $5,000 per agent.
- School bonds must be renewed yearly on or before their expiration date; continuation certificates are not acceptable. Agents' bonds may be continued by certificate submitted each year on or before bond expiration date. Surety companies on bonds must be approved by the Indiana State Department of Insurance or will not be acceptable. (p. 16)
- See item 9 under 4c below.

g.

h.

- A Certificate of Accreditation awarded to a school will be displayed in a prominent position by the school. Its use may be revoked or denied upon cause, at request of the Commission. (p. 7)
- Students shall be notified upon enrollment of the designated staff member with whom they may discuss their programs, courses, payment, or related matters. (p. 19)
- Schools must clearly show full charges and fees to prospective students or parents. No offers of fee reduction shall be made unless they are in fact scholarships or fee reductions clearly stated and described. (p. 20)
- Official documents which describe tuition and charges shall also contain the Commission's refund policy. (p. 21)

- See 3l below, item 3, point 7.

i.

- Applicants for accreditation who are in "Phase One -- Applicant Status" or "Phase Two -- Candidate Status" (see 4b and 4c below) may not use terms such as "licensed," "approved," "applicant" or "accredited," nor the Commission seal. In "Phase Four -- Fully Accredited Status," schools may use only three approved phrases (on p. 6). In "Phase Three -- Accreditation with Recommendation," no restrictions are stated. In Phases Three and Four, the Commission seal may be used in advertising. (pp. 5-7)
- When a school enters Phase One it receives an approved advertising code, which must be included in television and newspaper advertisements and on radio copy sheets from then on. It is a deterrent to advertising by schools not authorized in Indiana. (p. 22)
- Schools shall not solicit students by making claims which are not truthful, which are not based on actual services rendered, or which are beyond the scope of the school, community, or job market.
- Schools shall: (1) use only advertisements and literature which are truthful and do not give false, misleading, or exaggerated impressions of the school, services, personnel, or employment opportunities; (2) not represent or imply a demand for graduates without a reasonable, documented basis; (3) clearly indicate in advertisements and literature that education is being offered, not employment; (4) not use "blind" advertisements which are misleading, but use full name and location of the school in all advertisements and literature; and (5) use only testimonials accurately reflecting current practices, conditions, and employment opportunities, with prior consent and no remuneration for either consent or use. (p. 20)
- Schools establishing new sites or extension centers shall use the original advertising code and shall list the location of the new site and the school's name in all advertising, thus: "Marion Center of Bram College." (p. 31)
- Agents must be thoroughly trained in applicable laws and regulations before they can be certified. Any person with a previous felony conviction may be denied an agent's permit. (p. 14)

j.

- A signed copy of the form which notifies a student of matters in 3h, item 2 must be maintained in the student's file. (p. 19)
- The school shall maintain in a central repository all records necessary to its smooth operation, available only to authorized personnel. It shall contain: (1) qualifications of administrative and teaching staff plus job descriptions and duties; (2) agent's education and past employment, assigned territories, manner of remuneration, complaints, letters of recommendation, and other data reflecting competency; (3) each student's education, veteran status, payment record, courses taken, test scores, physical condition, job preference and educational goal, counselor, transcript and redress form; and (4) records of graduates in active files for 5 years, then in inactive files, containing all information in point (3) plus class rank at graduation, job placement, and salary.
- A school domiciled in Indiana which closes will deposit student records with the Commission in prescribed form. (pp. 27-28)

k.

- See 3h, item 3.
- Fee schedule must be based upon services rendered. (p. 20)

l.

- Schools must use the Commission-recommended refund policy, unless the Commission authorizes them to use the policy of a nationally-recognized accrediting agency, which must equal or exceed the Commission's policy. General policy provisions are: (1) a "cooling-off" period for home solicitation shall be through midnight of the sixth day following signature; (2) after the cooling-off period ends, the school may retain at least the registration fee (specifically defined on p. 3) which shall not exceed $100; (3) if the school does not accept the student, it must refund all monies; (4) if prolonged illness or injury occurs to the student or his family, the school shall make a settlement reasonable and fair to both; (5) all unused portions of book or supply fees shall be refunded; and (6) if contracts are transferred, the Commission's refund policy remains in force. See also 3h, item 3, and 5d, item 2 for further provisions.

- Refund policy for residence schools shall be pro rata: (1) after a registration fee not to exceed $100 is deducted; (2) not including tuition extending beyond 12 months, which must all be refunded; and (3) within 31 days. ("Pro rata" means a policy computed on the number of weeks completed or begun, the number of courses completed or begun, or the number of quarters or semesters completed or begun.) (p. 2)
- The refund policy for correspondence schools is: (1) if cancellation is made before midnight of the sixth day after signature, all monies shall be refunded; (2) after 6 days but before training begins, a registration fee of 20% of total tuition up to $100 may be retained; (3) after the student begins training but completes no more than 10% of assignments, the school may retain the registration fee plus 10% of total tuition; (4) after the student completes 10% but less than 25% of the assignments, the school may retain the fee plus 25% of total tuition; (5) after the student completes 50% but less than 75% (sic) of the assignments, the school may retain 75% of total tuition; (6) after the student completes 75% of the assignments, all tuition is due the school; (7) the contract must state length of time for course completion, and if no cancellation occurs by then, the student is responsible for all tuition; (8) schools must issue refunds within 31 days; (9) any tuition paid beyond 12 months shall be refunded upon cancellation. (pp. 20-22)
- See 3h, item 4 above.
- See 4a, item 1, point 7 below.

m. ● See 3i, item 4.

n. ● See 3h, item 2.

- Schools shall maintain liability insurance on students who work with or near equipment which could harm them. (p. 24)

4. Administration (IN-01-1):

a. ● The Indiana Private School Accrediting Commission: (1) accredits schools; (2) determines whether national accreditation or approval by another state qualifies a school for Commission accreditation without further investigation; (3) has the right to inspect any school as defined in this Act during business hours; (4) supplies a variety of specific forms to schools for the collection of information; (5) chooses a team to conduct an on-site evaluation from among appropriate industry or educational ranks and its own staff, notifies the school of evaluation date, and acts upon team recommendations; (6) grants and issues an agent's Identification Card, or denies request for agent certification within 15 days of receipt of all required information, or else issues a temporary permit valid for no more than 60 days; (7) acts as impartial arbiter in disputes concerning refund amounts; (8) may extend degree authority to schools wishing to grant certain degrees (see NOTE in 2 above) on the meeting of additional requirements described in 3b, 3c, 3d, and 3e above; (9) maintains student records of schools which close, provides students with copies, and retires or destroys records after 10 years; and (10) approves materials received at each necessary phase in the evaluation for accreditation process, and awards appropriate status in each needed phase.

b.
- A school desiring to do business in Indiana sends a letter requesting accreditation to the Commission. The Commission returns all applicable materials, fee schedule, and directions for meeting requirements. The school returns appropriate materials and fee; the Commission approves these and places the school on "Applicant Status" (Phase One), which lasts not less than 60 days nor more than 11 months, during which the school prepares for its on-site evaluation. If the school is found to have correctable deficiencies by review of materials and on-site inspection reports, it may be awarded "Candidate Status" (Phase Two) for a period of time from 60 days to 12 months or in special cases up to 24 months, during which it shall furnish progress reports, and after which it shall submit a revised application and be reinspected. If the school is found to have deficiencies, but not serious enough to require Candidate Status, it may be awarded "Accreditation with Recommendations Status" (Phase Three) for a specific period of time not to exceed 1 year. If a school at any point is judged fit for "Fully Accredited Status" (Phase Four), this shall be awarded. (pp. 5, 6)
- Detailed procedures for forms submission, designation and reimbursement of team members, and their duties and evaluation notification are on pp. 9-13.

c.
- Schools seeking Commission accreditation through either national accreditation or approval of another state shall submit to the Commission on proper forms: (1) fee; (2) bonds for both school and agents; (3) four copies of the application/self-study; (4) an appropriate type of financial statement; and (5) a copy of incorporation papers filed with the home state. The fifth year after receiving accredited status, such schools must undergo a full on-site evaluation. (p. 4)
- Schools on "Candidate Status" must furnish monthly progress reports until their re-evaluation is completed. (p. 6)
- Upon request, the Commission sends all necessary application forms to a school, including rules and regulations, standards, fee schedule, applicable laws, and materials to be filled out and returned which include agent training verification, bonding evidence, applications for applicant status and agents' permits, self-study forms and instructions, and a financial report form and directions. These shall be returned (except the self-study) with fees, copies of current contracts, tuition fees, course descriptions, a copy of incorporation papers, and the last annual certified financial statement or evidence of parent company support or evidence of personal worth of owners or the Commission-provided financial report form. (This latter form may be required by the Commission if information furnished is deemed insufficient.) Copies of the self-study shall be returned after 60 days but within 11 months of receipt, and prior to 30 days before the scheduled evaluation visit. (pp. 9-11)
- A school placed on "Candidate Status" must submit a revised self-study reflecting changes and be re-inspected. (p. 13)
- Agents' permit applications shall include application form, evidence of agent bonding, and verification of agent training in applicable laws, regulations, and duties. (p. 14)
- Terminated agents must return their Identification Cards. Any lost card must be reported by notarized statement to the Commission immediately. (p. 15)
- New bonds must be furnished yearly as described in 3f above.

- Schools which turn over records to the Commission must sign forms to be retained by the Commission. (p. 28)
- Financial information to be provided shall be: (1) accounting and year basis for reporting income; (2) copies of balance sheets, income statements, and cash flow statements for last two business years; (3) marketing projections including current estimates; and (4) financial details as listed in this document. (pp. 29-30)
- If a parent company is financially responsible for the school, its annual audit and report shall be reviewed as appropriate. (p. 30)
- Schools wishing to establish new sites or centers shall notify the Commission of location, course(s) and course costs, and number of proposed staff and faculty, with application fee and agents' applications and fees. All rules and regulations apply to new sites in the same fashion as to the main campus. (p. 31)
- Renewal of fully accredited status requires fee, renewal application (a shortened self-study containing at least: (1) names, descriptions, and costs of each course; (2) total clock hours, semester hours, or quarter hours of each course; (3) number of students enrolled in each course during the period of accreditation; (4) current number of students enrolled in each course; (5) number of students who dropped out for any cause during the period of accreditation; (6) number of graduates by course; (7) number of graduates placed; and (8) number of graduates who took the course for personal advancement in the form of educational objectives or occupational objectives; plus a current copy of incorporation papers, and financial evidence as for an original application (four types are possible; see item 3 of this section). The fifth year after award of fully accredited status, a full on-site inspection will be held in the same manner as the original. (pp. 7-8)

d.
- Authorization to award degrees is good for 5 years with a 5-year renewal. (p. 26)
- See 4d in IN-01 above.
- See the first item in 4c.

e.
- Original school application fee shall be $100; renewal shall be $25. Fees for agents' permits shall be $20 per agent. See IN-01, 4e above. (p. 31)
- Schools shall pay costs of on-site investigations up to $500 for in-state schools. Detailed amounts, requirements, and procedures concerning fees are presented. Schools must pay all fees before notification of evaluation results or accreditation will be issued. (pp. 11-13)

f.
- See 4b above, item 1, concerning "Candidate Status" and "Accreditation with Recommendations Status."
- See item 1 under 4a above, part (6), concerning temporary agents' permits.

5. Enforcement (IN-01-1):

a.
- The Commission denies, suspends, and revokes accreditation and agents' permits, and holds hearings pursuant to the Administration Adjudication Act.
- A request that a school appear for hearing may be made by the Commission as a result of investigation with supporting information to prove probable cause. (pp. 18-19)
- See the third item of 5d.

b.
- Students or their legal representatives may request the Commission to file a claim against the school for reimbursement of fees paid if the school does not supply the agreed-upon course of instruction by reason of failure to maintain schools in operating condition, furnish the course

of instruction, or provide necessary equipment and facilities. Claims must contain: (1) statement of facts; (2) copy of the contract; (3) copies of receipts or cancelled checks; and (4) other substantiating material. The Commission may direct that the school appear for an informal hearing, and will attempt to informally adjust such claim; if not successful, the Commission will give notice of formal hearing to the school and the surety on the bond. (p. 16)

- Schools or agents which are targets of complaints may request informal hearings to show why formal action should not be taken. (pp. 18-19)
- See item 1, part 7 under 4a above.

c.
- If the original review of application and on-site school evaluation shows the school to be totally unfit to qualify for any status beyond "Applicant," the school shall be notified by certified mail of the denial and of penalty provisions in IN-01. (p. 5) If a re-evaluation of a "Candidate" school is not passed, the school shall be notified of the denial and of procedures for seeking relief. (p. 13)
- An agent candidate who has a previous felony conviction may be refused an agent's permit. (p. 14)
- An agent's permit may be revoked for: (1) incorrectly completed application forms after permit issue; (2) violation of rules and regulations concerning solicitation or advertising for or placement of students; (3) utilizing unlicensed agents as partners in solicitation or advertising; and (4) cancellation of agent bond. (pp. 14-15)
- If the school does not notify the Commission of a new bond within 5 working days of expiration of the old one, suspension of right to do business will result. (p. 16)
- If informal hearings are not successful in settling claims, formal hearings will be held. (pp. 18-19)
- If schools or agents do not fulfill requirements of IN-01 and the Commission must take punitive action, hearings must be held according to the Administrative Adjudication Act within specified time limits. Notification of hearing and subsequent findings and orders must be sent to the school or agent, attorney if one is designated, and members of the Commission by certified mail. (p. 18)
- Any party may appeal the actions of the Commission according to the Administrative Adjudication Act. (p. 17)
- Accreditation will be suspended for distinction among pupils on the basis of race, creed, color, or sex, and a hearing to consider revocation shall be called immediately. The Indiana Civil Rights Commission shall also be notified and a member thereof shall be present at such hearing. (p. 19)
- Failure to meet state and local fire, health, and safety requirements will result in denial, suspension, or revocation of accreditation. (p. 24)

d.
- All bonds shall provide indemnification to students suffering loss as a result of fraud or misrepresentation or because the school ceases business and cannot fulfill its obligations. (p. 2)
- If the Commission determines due to a hearing that any part of a student claim is valid and the school does not pay within a reasonable time, not to be less than 10 days, the surety will be billed. (p. 17)
- If the Commission is notified that bond claim is to be made, it shall obtain a total list of students enrolled during the bond, investigate and verify the claim of each student, compute the amount due each student (as a percentage of the total bond amount if all claims are not covered in full by such amount), and disburse amounts by procedures described. (p. 17)
- If the school is not qualified to do business in the state or the agent is not licensed, contracts shall be null and void. (p. 21)

IN-02

2. Application (IN-02):

State educational institutions

Long-range planning by the Commission shall take into account the plans and interests of the state private institutions. (p. 1)

3. Coverage (IN-02):

a. ● The Commission for Higher Education shall have the power and duty to develop and implement a long-range plan for postsecondary education, which shall also define the educational missions and projected enrollments of the state institutions. (p. 1)

b. ● Powers of the Commission include approval or disapproval of the establishment of any new branches or campuses, or new schools or colleges.

c. ● The Commission shall approve or disapprove the offering of any additional associate, baccalaureate, or graduate degree or two-semester program leading to a certificate or other indication of accomplishment on any campus. (p. 2)

d.

e.

f. ● The Commission shall make recommendations concerning appropriations and bonding authorizations to state educational institutions, including public funds for financial aid to students by any state agency.

IOWA

1. Identification:

IA-02

Chapter 713A - Advertising and Selling Course of Instruction

Effective date: 1965; last amended, 1972

Stated purpose:

Basic effect: Prohibits certain advertising and financial practices; requires bonding and submission of advertising materials.

Basic coverage: Private non-degree granting

IA-03

Corporations not for pecuniary profit; Sections 504.12 - 504.13, Power to confer degree, and Penalty

Effective date:

Stated purpose:

Basic effect: Enables academic corporations to confer degrees; states residence requirements for award of degree.

Basic coverage: Private degree granting

IA-01

Chapter 262 - State Board of Regents

Dated: Includes amendments of 1975

Stated purpose:

Basic effect: Sets forth powers and duties of the Board of Regents and policies for its functioning.

Basic coverage: Public degree granting

IA-04

Selected School Laws and Standards
(Chapter 286A - General Aid to Schools)

Dated: Includes amendments of 1976

Stated purpose: "...areas...and school district...shall be entitled to receive financial aid from the state in the manner and amount as provided in this chapter...[to operate area vocational schools, community, and junior colleges]." (p. 13)

Basic effect: States formulae for determining amounts of state aid. Authorizes the establishment of standards that schools must meet to receive aid.

Basic coverage: Public degree and non-degree granting (2-year institutions only)

IA-05

Selected School Laws and Standards
(Chapter 280A - Area Vocational Schools and Community Colleges)

Effective date: 1965; includes amendments of 1976

Stated purpose: "...to provide for the establishment of...areas...which may operate...area vocational schools or...area community colleges...." (p. 1)

Basic effect: Sets procedures for forming and financing areas and schools. Includes procedures on establishing and applying approval standards for vocational schools and programs and for community and junior colleges.

Basic coverage: Public degree and non-degree granting (2-year institutions only)*

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*Although approval standards are to be set for junior colleges as well as vocational schools and community colleges (see definitions) prohibition applies only to public non-degree programs at area schools.

IA-05-1

Selected School Laws and Standards (for Area Community Colleges and Area Vocational Schools)

Effective date: 15 October 1976

Stated purpose: States that "...the department rules for area vocational schools and community colleges are joint rules of the State Board of Public Instruction and the State Board of Regents..." and that "...the rules have the full force and effect of law." (p. 16)

Basic effect: States the approval standards and procedures for area vocational schools and community colleges, and the guidelines which are intended to provide additional clarification for certain rules. The rules cover areas such as administration and faculty, curriculum, student services, facilities, and regional accreditation.

IA-06

Chapter 261 - Higher Education Facilities Commission

Effective date:

Stated purpose:

Basic effect: Creates the Higher Education Facilities Commission. Sets forth duties including those regarding participation in federal facilities programs and administration of state scholarship program, student loan fund, and student tuition grant programs for attendance at accredited private colleges or vocational technical programs at area schools.

Basic coverage: Does not regulate institutions. Public degree and non-degree granting institutions and private degree granting institutions may be affected by programs administered by the Commission.

No further abstract prepared.

IA-02

2. Application (IA-02):

"It shall be unlawful for any person...or corporation...conducting in Iowa any course...for profit or for tuition...whether by classroom...or by correspondence, to: 1. falsely advertise...2. collect tuition [for correspondence course]...in excess of [$150] in advance...of the first assignment or lesson... 3. promise...employment. (p. 3281)

Except:

- a. Degree granting colleges and universities;
- b. Accredited schools of nursing;
- c. Public schools;
- d. Private and nonprofit schools recognized by the State Department of Public Instruction or a local school board for the purpose of complying with teacher certification laws;
- e. Nonprofit schools for the physically handicapped;
- f. Schools or programs conducted free by employers for employees;
- g. Instruction sponsored by organizations or associations for members or employees of members;
- h. Accredited private business schools;
- i. Cosmetology or barbering schools regulated by these boards; and
- j. Approved private college preparatory schools.

NOTE: The provisions shall not apply to trade or vocational schools that file a bond or file an annual financial statement. (See 3f.)

3. Coverage (IA-02):

f.
- One section of the law requires every school which conducts or solicits the sale of classroom or correspondence courses in Iowa to file a $50,000 continuous corporate surety bond. (p. 3281) To be exempt from provisions of the law, a trade or vocational school or the school's parent corporation must either file such a bond or file an annual sworn statement which is certified by a C.P.A. and shows all assets and liabilities of the school and the assets of the parent corporation. The statement shall show the school's net worth (or the net worth of the parent corporation) to be at least five times the amount of the $50,000 bond. (pp. 3281-3282)

g.

h.
- Advertising materials shall state the cost of the course offered and the schedule of refunds. If no refunds are to be paid, this shall be stated.

i.
- A copy of any catalog, prospectus, brochure, or other advertising material intended for distribution in Iowa shall be filed.
- It is unlawful to falsely advertise or represent any matter material to a course.
- All advertising shall adhere to the rules and regulations of the Federal Trade Commission.
- It is unlawful to promise or guarantee employment using training unless the promisor offers students a bona fide contract of employment agreeing to employ them for at least 120 days in a business regularly conducted by the promisor and in which such training is a normal condition of employment.

- See 3h above.

j.

k.
  - It is unlawful for correspondence courses to collect tuition or other charges in excess of $150 in advance of the receipt and approval by the student of the first assignment.
  - It is unalwful to sell more than one lifetime contract to any one person. (p. 3281)

l.
  - See 3h.

m.
  - See 3i.

4. Administration (IA-02):

a.
  - Required filings are made with the Superintendent of Public Instruction.

b.

c.
  - A surety bond or financial statement, advertising material, and a designation of a resident agent must be filed. (See 3f, 3i, and 5e.) (p. 3281)

5. Enforcement (IA-02):

a.
  - See 5e.

b.

c.

d.
  - Violation of any provisions of this chapter shall be punishable by a fine of up to $500 or 6 months in jail, or both.
  - Any correspondence school contract providing for advance payment of more than $150 shall be voidable. (See 3k.)
  - Any contract induced by unfiled advertising is voidable. (p. 3281)
  - Bonds shall be conditioned for the faithful performance of all contracts and agreements made by the school or its salesmen. The aggregate liability of the surety for all breaches of the conditions of the bond shall not exceed the sum of the bond.
  - If a parent corporation files a financial statement or its net worth is included in a school's financial statement (see 3f), it shall appoint a registered agent, and shall be liable for the breach of any contract or for any fraud or violations by the school or its agents or salesmen. (p. 3282)

e.
  - A statement designating a resident agent for the purpose of receiving service in civil actions shall be filed. In the absence of such a designation, service may be had upon the Superintendent of Public Instruction if it cannot otherwise be made in this state. (p. 3281)
  - See 5d.

IA-03

2. Application (IA-03):

"Any corporation* of an academical character may confer the degrees usually conferred by such an institution."

"No academic degree for which compensation is to be paid shall be issued or conferred by any such corporation or by any individual...unless the person obtaining the...degree shall have completed at least one academic year of resident work at the institution which grants the degree." (p. 1)

3. Coverage (IA-03):

c. • See Section 2 above.

5. Enforcement (IA-03):

d. • Violations by corporations shall be punished by a fine of not more than $1000. Violations by an individual shall be punished by imprisonment of not more than 7 years in a penitentiary; or by fine not exceeding $500 or by imprisonment in the county jail up to 1 year, or by both.

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*The section from which this quote is taken was found on a page titled "Corporations Not for Pecuniary Profit."

IA-01

The State Board of Regents shall govern three Iowa universities. (p. 1228)

3. Coverage (IA-01):

a. ● See 4a.
b.
c.
d. ● See 4a.
e.
f. ● See 4c.
g. ● See 4a.
h. ● See 4a.
i.
j.
k. ● See 4a and 4c.

4. Administration (IA-01):

a. ● Among the duties of the Board are: (1) electing officers, instructors, and staff of each institution; (2) making rules for admission to and government of institutions; and (3) publishing and distributing circulars, pamphlets, bulletins, and reports which are for the best interests of the institutions. (pp. 1228-1229)

b.

c. ● The executive officer of each institution must annually report general observations and budget recommendations to the Board.
   ● Among the matters the secretarial office for each institution must annually report to the Board, in such detail and form as it prescribes, are: (1) funds available for facilities; (2) all income affecting annual income; (3) how funds were expended; (4) number of instructors and number of students enrolled in each course; and (5) amount of unexpended balances.
   ● The Board shall report biennially to the Governor and Legislature on facts it feels they should consider. (p. 1231)

IA-04

2. Application (IA-04):

Merged areas that operate area vocational schools and community colleges, and school districts that operate junior or community colleges are entitled to receive financial aid from the state. (p. 14)

The requirements for aid to community or junior colleges operated by school districts limit payments to students whose courses are for credit toward a certificate, diploma, or degree and are approved by the State Department of Public Instruction for state aid. (p. 15)

Courses at merged area schools dealing with recreation, hobbies, casual, cultural, or self-enjoyment subjects shall not be eligible for reimbursement. (p. 15)

3. Coverage (IA-04):

See 2 above and 4a below regarding approval standards.

b. • See the third paragraph in Section 2 regarding course approvals.

4. Administration (IA-04):

a. • Approval standards that public community and junior colleges must meet to receive state aid are to be issued and enforced by the State Department of Public Instruction.
   • The Superintendent of Public Instruction, subject to approval of the State Board of Public Instruction, is authorized to adopt rules and definitions of terms as are necessary for the administration of this chapter. (p. 14)
   • See the third paragraph of Section 2 for course approval duties of the State Department of Public Instruction.

5. Enforcement (IA-04):

a. • See 4a regarding enforcement of standards.

IA-05

2. Application (IA-05):

"An area community college or area vocational school which is removed from the approved list...shall be ineligible to receive state financial aid...." (p. 10)

Vocational schools have curriculum in vocational or technical education, training, or retraining.

Junior colleges offer curriculum in 2-year liberal arts, preprofessional, or other instruction leading to a baccalaureate degree but do not confer such degrees.

Community colleges offer parts of the curriculum of both junior colleges and vocational schools. (p. 2)

3. Coverage (IA-05):

See Section 4a regarding approval standards for community and junior colleges and vocational schools. Approval standards shall include standards for administration, qualifications and assignment of personnel, curriculum, facilities and sites, requirements for awarding of diplomas and other certificates, guidance and counseling, instruction, instructional materials, maintenance, and libraries. (p. 10)

a. • Area Directors may sell articles resulting from vocational courses. Revenue shall be credited to the funds of the Area Board. (pp. 7-8)
b. • See 4a and introduction to Section 3 above.
c. • See introduction to Section 3 above.
d. • The Area Superintendent shall not be required to hold any teacher's certificate.
   • The maximum work load during regular school hours for arts and science course instructors shall be 15 credit hours; the maximum academic work load for any instructor shall be 16 hours. Faculty may teach up to 3 credit hours outside regular working hours. The total work load shall not exceed 18 hours. (p. 9)
   • The administration of the college shall encourage continued development of faculty potential by specified means. (p. 11)
   • See the introduction to Section 3 above.
e. • See 4a regarding power of the State Board of Public Instruction to approve sites and buildings of vocational schools or community colleges. (p. 9) The State Board approves lease agreements for buildings. (p. 11)
   • See the introduction to Section 3 above.
f.
g.
h.
i.
j.

k.
  - Expenditures of student activity funds and any increase in student activity fees shall be determined by the student government, with administrative approval. (p. 6)
  - Tuition for Iowa residents shall not exceed the lowest tuition charged by an institution of higher education under the State Board of Regents. Tuition for non-residents shall not be less than 150% nor more than 200% of resident tuition. Higher tuitions may be set with the approval of the State Board. (p. 7)
  - Funds obtained from tuition and certain other sources shall not be used for the construction or maintenance of athletic buildings or grounds. (p. 11)

4. Administration (IA-05):

a.
  - The State Board of Public Instruction shall review and approve the budgets of area vocational schools or area community colleges. (p. 5)
  - The curriculum of such schools is subject to the approval of the State Board. (p. 7)
  - The State Board approves the expansion of the curriculum of an area vocational school to qualify as an area community college.
  - The State Board shall handle state and federal funds for facilities and operating costs for area vocational schools and community colleges.
  - The State Board shall approve sites and buildings to be acquired, erected, or remodeled for use by area vocational schools or community colleges. (p. 8)
  - Only schools designated as area vocational schools or community colleges by the State Board shall be eligible for federal VEA funds. (p. 8)
  - See 3k regarding approval authority of the State Board for increased tuition.
  - The Area Schools Branch of the Department of Public Instruction shall initiate approval standards for area and public community and junior colleges and submit them through the State Superintendent of Public Instruction to the State Board of Public Instruction and the State Board of Regents for joint consideration and adoption. The recommendation of the advisory committee is required prior to adoption. (p. 10)
  - Approval standards for area vocational schools and vocational programs in area community colleges shall be initiated by the Area Schools Branch and submitted to the State Board for adoption.
  - Approval standards shall be reported by the State Board to the General Assembly of the Legislature.

b.
  - The Department of Public Instruction shall supervise and evaluate the educational program in area community colleges and vocational schools for the improvement and approval of such institutions. (p. 10)

c.
  - Budgets of merged areas shall be submitted to the State Board. (p. 5)

d.

e.

f.
  - See 5c regarding period of time allowed for area vocational schools or area community colleges to come into compliance.

g.
  - The State Board shall maintain a list of approved area community colleges and vocational schools. (p. 10)

5. Enforcement (IA-05):

a.
  - The Superintendent of Public Instruction shall make recommendations to each school if it determines, after due investigation, that deficiencies exist.
  - The State Board shall remove a school from the list of approved schools and colleges for cause, after due investigation. The Board may hold hearings on proposed removal actions.

b.
  - See the first item of 5a.

c.
  - Schools shall be removed from the list if they fail to comply with approval standards.
  - Schools may not be removed until 120 days after the standards have been reported to the General Assembly.
  - The State Board shall allow a reasonable period of time (at least 1 year) for compliance with approval standards if an area community college or vocational school is making a good faith effort and substantial progress toward full compliance or if failure to comply is due to factors beyond the school's control.
  - The Department of Public Instruction shall give a school which is to be removed from the approved list at least 1 year's notice specifying the reasons for removal. If during this year the school remedies the reasons and satisfies the State Board that it will continue to comply, the school shall be continued on the approved list. (pp. 10-11)
  - After notice of proposed removal is given, schools may request a hearing before the State Board. The school may request that proceedings be recorded or reported, present evidence, and be represented by council. (p. 11)
  - Within 10 days of the hearing, the State Board shall decide, by majority, to affirm, modify, or vacate the proposed removal action. (p. 11)

d.
  - Area community colleges or vocational schools removed from the approved list shall be ineligible for state financial aid while they are removed.
  - The 1-year notice of removal shall be sent to news media which serve the area. Hearing notices shall be published in local newspapers. (p. 11)

6. Other (IA-05):

In approving a curriculum, the State Board shall ascertain that all courses and programs submitted are needed and that the curriculum being offered by an area school does not duplicate programs provided by existing public or private facilities in the area. In determining duplications, the Board shall consider whether proposed programs are competitive in size, quality, tuition, purposes, and area coverage with existing public and private institutions within the merged area. (p. 7) The Board may contract with public and private schools or colleges in the area to provide courses or programs as part of the curriculum made available in the area community colleges or vocational schools. (p. 9)

IA-05-1

2. Application (IA-05-1):

Area vocational schools and community colleges

Basic prohibition: All area schools are subject to the same standards with the exception that area vocational schools are not expected to offer a program equivalent to the first two years of baccalaureate college work. (p. 40)

Each area school that has not received accreditation by the regional association is expected to demonstrate annually that it is making progress toward accreditation. (p. 40)

3. Coverage (IA-05-1):

a.
- An area school board of directors shall develop a policy manual which adequately describes the official policies of the institution.
- An area school shall develop an administrative staff appropriate to the size and purpose of the institution and which shall provide effective leadership for the major divisions, including adult and continuing education, career education, college parallel education, and student services.
- An area school shall have a superintendent responsible for its operation with respect to its educational program, faculty and student services programs, and use of its facilities. (p. 17)
- An area school shall meet minimum enrollment requirements if it offers instruction as authorized in Chapter 280A, provides classes of reasonable economic size to meet student needs, and meets individual and employment needs as shown by enrollment and placement records.

b.
- An area school year shall include a minimum of 48 weeks of operation (two semester and one summer term, three trimester terms, or four quarter terms) and may offer instruction in units of length keyed to the identified scope and depth of the instructional content. (p. 19)
- The college parallel program shall offer courses equivalent to the first two years of a baccalaureate program, but remedial or pre-freshman level courses shall not bear college transfer credit and shall be clearly identified in the catalog and on transcripts.
- Instruction in career education programs shall be offered in no less than five occupational fields as defined by the Department of Public Instruction. The occupational fields shall be determined by surveys of area needs; advisory committees shall be used to develop instructional content. (p. 25)
- Surveys shall be conducted in each area to determine the educational needs of handicapped persons and to serve as a basis for modifying programs appropriately. (p. 26)
- Courses offered for college credit and intended to be applied toward a baccalaureate degree shall be taught at a standard consistent with the quality and quantity of similar courses offered in accredited institutions. A full-time student is one who is taking 12 or more hours of college credit. (p. 27)
- Career education courses shall be taught in the shortest practical time and at a standard consistent with the quality and quantity of work needed to prepare students for successful employment in the occupational field. Curricula in full-time career programs shall be offered on the basis of a workload of from 20 to 30 contact hours per week. (p. 28)

c.

- Graduation from an area school shall be certified by the issuance of appropriate recognition indicating the type of program completed: Associate in Arts or Science designates satisfactory completion of a 2-year college parallel curriculum; Associate in Applied Arts or Applied Science designates satisfactory completion of curriculum requirements and demonstrated competence in an occupational field; and Associate in General Studies designates satisfactory completion of a 2-year curriculum other than those above. (p. 19)
- A diploma shall be granted to a person graduated from a curriculum other than those above, but of not less than 12 weeks in length.
- A certificate of completion may be issued to certify satisfactory completion of a course other than those above. (p. 20)

d.

- All administrative staff except for the superintendent shall hold certificates required to authorize service in their respective areas. (p. 18)
- Instructors in career education programs shall hold a valid certificate issued by the Board of Public Instruction for teaching in an area school; for approval in a specific subject field, they shall meet the education and experience requirements outlined in the state plan for vocational education.
- Instructors in college-parallel courses shall hold a valid certificate issued by the Board and shall hold a master's degree in a specific subject field from an accredited graduate school. (p. 22)
- Support personner such as counselors and librarians shall hold master's degrees in their area of specialization from an accredited graduate school. (p. 23)
- Full-time teaching loads for instructors in college parallel programs shall not exceed 16 credit hours per term or equivalent, and for career education programs shall not exceed 6 hours a day or 30 hours a week, or the equivalent.
- Each area school shall implement a plan for continued development of faculty and administrative proficiency consistent with Section 280A-36. (p. 24)

e.

- Area school libraries or learning resource centers shall provide the facilities and resources needed to support the total educational program of the institution. Adequate consideration shall be given to comfort, the collection shall be adequate in size and scope to serve the number and variety of programs, and the budget shall be appropriate for the programs offered and for new curricula. (p. 30)
- Laboratories and equipment shall be provided in accordance with the most recent state plan for vocational education and/or with the conditions in accredited colleges.
- The physical facilities shall be well maintained, adequate in size, and properly equipped and shall conform to Chapter 104A. Remodeled facilities shall comply with American Standards...for the Physically Handicapped. (p. 35)
- All sites and building plans for area schools shall be approved by the Board of Public Instruction and meet minimum size specifications for specified populations; evidence shall be submitted indicating approval by the State Fire Marshall and Department of Health. (p. 36)
- No facilities shall be constructed with state-appropriated funds if they are intended primarily for events which charge admission or are designed for athletics or recreation other than physical education. (p. 37)

f.

- Area schools shall maintain accurate financial records and make reports in the form prescribed by the Department of Public Instruction and other state agencies. (p. 18)

g.

- Area schools shall maintain an open door admission policy for postsecondary students, and recognize that students should demonstrate a reasonable prospect for success or be assisted to enroll in remedial courses or other appropriate programs. (p. 19)

● A program of student services should be provided that includes student orientation to college and career opportunities and requirements. (p. 31)

h. ● The catalog shall be the official publication of the area school and shall include accurate information on institutional policies and other information as recommended by the Department of Public Instruction. (p. 18)

i.

j. ● The area school shall maintain, in perpetuity and under adequate safeguards, the complete academic record for each student. (p. 20)

k. ● A uniform policy for the determination of permanent residence for tuition purposes shall be adopted for all area schools. (p. 21)

● Student services shall include programs that facilitate attendance through a program of financial assistance. (p. 33)

l.

m. ● A follow-up of terminating students shall be conducted to determine how well students have succeeded and which adjustments in the curriculum need to be made. (p. 25)

4. Administration (IA-05-1):

a. ● Area schools shall be subject to approval by the Board of Public Instruction and the Board of Regents. (p. 38)

b. ● Temporary approval of an area school for each of the first 2 years of operation shall be granted annually, subject to approval by the Board of Public Instruction and Board of Regents, upon certification by the Department of Public Instruction that the institution has followed prescribed procedures and gives promise of ultimate compliance with all standards.

● During the third year of operation, a team of six or more evaluators equally representing and chosen by the Boards shall visit the institution for a minimum of 2 days. (p. 38)

● During the second year, the institution shall prepare a comprehensive self-study following directions of the Department of Public Instruction. (p. 38)

● To supplement and verify the annual report [of improvements and planned changes], representatives of the Department shall visit each institution at least 1 day each year. (p. 39)

c. ● The chairman of the evaluation team shall submit a report to the Boards together with the institution's self study. The report shall provide a specific recommendation for approval or disapproval, and the superintendent of the institution shall be able to file supplementary data.

● The institution shall submit yearly a report providing evidence of progress toward strengthening areas of weakness, as identified by the evaluation team. (p. 39)

d. ● Full approval shall continue ordinarily for a period of at least 10 years, contingent upon evidence that an institution is making consistent efforts to strengthen identified areas of weakness.

● At the termination of an approval period, the Department and the Board of Regents shall review the institution and authorize either another period of approval or a visit by an evaluation team.

e.

f.
- Provisional approval shall mean that an institution's strengths are greater than its weaknesses, and that the weaknesses can be corrected in 3 years or less.
- Institutions granted provisional approval shall be revisited annually by Department representatives, and by an evaluation team within 3 years after the last team visit, to determine the progress in improving areas.
- On the basis of the evaluation report, the Department shall make a recommendation of approval status to the Boards, who have the option of granting full approval, continuing provisional approval, or denying approval. (p. 40)

KANSAS

1. Identification:

KS-03

Article 61, Section 17-6105, Corporate Powers: Academic and Honorary Degrees

Effective date: 1 July 1972

Stated purpose:

Basic effect: Requires corporations to obtain approval from the State Board of Education and file such approval with the Secretary of State before conferring degrees; requires such corporations to meet general standards.

Basic coverage: Private degree granting

KS-04

Article 49, Kansas Proprietary School Act, Chapter 228 of Laws of 1971

Effective date: 1972

Stated purpose: "...to establish in a unified and organized form regulatory laws relating to non-tax supported educational institutions and to simplify, clarify, and harmonize existing legal relationships relating to these institutions." (p. 1)

Basic effect: Requires proprietary schools to obtain certificates of approval from, and requires their agents to register with, the State Board of Education; requires schools to meet standards set forth in the law and regulations; requires schools and agents to be bonded.

Basic coverage: Private non-degree granting

KS-04-1

Article 18 - Private Schools (Proprietary Schools)

Last revised date: 1 January 1974

Stated purpose: None. Stated Board policies outlined at length. Briefly, the Board will attempt to encourage and cooperate with proprietary school endeavors and insist on high quality education in such schools. (p. 2) (See fourth NOTE in Section 2, and 4a.)

Basic effect: Outlines Board powers; describes application procedures and requirements for schools and agents; describes procedures for complaint handling and penalties for violations.

KS-01

Chapter 71 -- Schools -- Community Junior College Act

Effective date: 1965; revised up to 1975

Stated purpose: Authorizes the State Board of Education to supervise community junior colleges and delegates responsibilities to each college Board of Trustees for the administration and operation of that college.

Basic effect: Sets forth powers and duties of Boards of Trustees for each community college; sets tuition rates and residence requirements for in- and out-of-district students, out-of-state, and foreign students; and determines the amount of state aid any college is entitled to receive.

Basic coverage: Public degree and non-degree granting (2-year)

KS-01-1

Rules and Regulations for Community Junior Colleges of Kansas -- Articles 25, 8.

Effective date: 1965; revised and amended up to January 1974

Stated purpose: States regulations determining student residency, tuition, statement of college philosophy for purposes of accreditation, and criteria for approval of community junior colleges.

Basic effect: Controls program approval and degree granting authority of community junior colleges and clearly defines the general educational requirements and the colleges' responsibilities to their students.

KS-02

State Universities and Colleges; Management and Operation -- Article 7

Effective date: Amendments and revisions up to 1974

Stated purpose: States that "...the universities and colleges are state agencies and state institutions and shall be controlled by and operated and managed under the supervision of the board of regents." (p. 181)

Basic effect: Authorizes the Board of Regents to adopt rules and regulations governing the university and college system in matters pertaining to disbursement of funds, fixing tuition, determining residency requirements, and admission.

Basic coverage: Public degree granting

KS-06

General Powers of State Board (Section 72-7513-15)

Effective date: Amended, including 1969 revisions

Stated purpose: States the general powers of the State Board regarding adopting and maintaining standards and rules and regulations, and administering the laws of the state concerning public education.

Basic effect: Authorizes the Board to adopt guidelines for curricula, accredit public and non-public junior colleges, certify teachers, counselors, and administrators.

Basic coverage: Public and private degree and non-degree granting (2-year)

KS-03

2. Application (KS-03):

No corporation organized after 1 July 1972 shall have power to confer academic or honorary degrees unless the articles of incorporation (or amendment) shall so provide and unless the articles of incorporation or amendment shall have endorsed thereon the approval of the State Board of Education of this state and be filed with the Secretary of State. No corporation organized before 1 July 1972 shall possess the power aforesaid without first filing in the office of the Secretary of State, a certificate of amendment which shall be subject to similar approval and endorsement of the State Board of Education.

3. Coverage (KS-03):

Approval shall be granted only when it appears to the reasonable satisfaction of the State Board of Education that the corporation is engaged or proposes to engage in conducting a bona fide institution of higher learning, giving instructions in arts and letters, science, or the professions and has or will have the resources, including personnel, requisite for the conduct of an institution of higher learning.

a. • See above.
b.

c.

d. • See above.
e.

f. • See above.

4. Administration (KS-03):

a. • See 3 above.

5. Enforcement (KS-03):

a. • See 3 above.
b.
c. • See 3 above.

KS-04

2. Application (KS-04):

"No person shall: (1) operate a school without a certificate of approval; (2) solicit prospective students without being bonded and registered or certified as required by this act; (3) accept contracts or enrollment applications from a representative who is not bonded and certified as required by this Act...." (p. 8)

In-state schools and out-of-state schools which solicit or contract in-state must obtain certificates of approval and must register their representatives. (pp. 3, 4, 6, 7)

Exemptions:

a. Tax-supported schools.
b. Non-profit schools operated by religious, denominational, charitable, or similar public institutions (these may choose to apply for approval, however, and then become subject to the Act).
c. Schools offering purely avocational or recreational subjects, as determined by the Board.
d. Courses sponsored by employers for employees, without tuition.
e. Courses sponsored by trade, business, or professional organizations with closed memberships for members, without tuition.
f. Private colleges and universities awarding baccalaureate or higher degrees which operate programs in which credits are given, a majority of which must be transferable to an institution accredited by a USOE-recognized agency.
g. Schools otherwise regulated and approved under other state laws.
h. A course of special instruction financed by the local or state government, private industry, or any person, other than the student, on a contract basis and having a closed enrollment, except that a school financed by federal or special funds may apply to the State Board for exemption from the provisions of this Act and may be declared exempt when the Board finds the school to be outside the purview of this Act. (p. 2)

NOTE: The Board may issue a certificate of approval to schools accredited by USOE-recognized agencies without further evidence.

3. Coverage (KS-04):

Minimum standards shall be established by the Board to insure that:

a.

b.
- Courses and instruction are of quality, content, and length as may reasonably and adequately achieve their stated objectives.
- See 4f, item 2.

c.
- Upon completion of training, students are given certificates or diplomas indicating satisfactory completion.

d.
- Schools have adequate personnel to provide training of good quality.
- Education and experience qualifications of directors, administrators, and instructors reasonably insure that training will be consistent with program objectives.

- School administrators, instructors, and owners are of good reputation and character. (p. 5)
- See 4f, item 2.

e.
- Schools have adequate space, equipment, and instructional materials to provide training of good quality.
- Schools comply with all government regulations such as fire, building, and sanitation. (p. 4)
- See 4f, item 2.

f.
- Schools are financially responsible and capable of fulfilling commitments for training.
- See 4f, item 2.
- Schools shall provide bonds in the penal sum of $20,000 for the approval period before certificates will be issued. Bonds shall be to the state and bond obligation shall be that no school or employee shall violate this Act or regulations.
- Bonds in the penal sum of $2,000 for each representative shall be provided before such representative may be registered. Bonds shall be to the state; bond obligation shall be that such representative shall not violate this Act or regulations nor use fraud or misrepresentation in student solicitation. The bond period shall run concurrently with that of the school's certificate of approval.
- Schools may provide other evidence of indebtedness which is acceptable to the Board and which meets requirements applicable to the bond, in lieu of the two bond types described above. (p. 7)
- Out-of-state schools must provide the same school and representative bonds as in-state schools. (pp. 7, 8)
- The Board may suspend requirements for bonding or other evidence of indebtedness for good cause with respect to schools, operating wholly or partially under federal grant, which charge no tuition. (p. 8)

g.

h.
- Course outline, tuition and other charges, settlement policy, rules on operation, conduct and absence, and grading policy are furnished to students on entry into classes.

i.
- Schools do not utilize advertising which is misleading or erroneous by statement, omission, or intimation, and are not in violation of minimum advertising standards. (p. 4)
- See 4f, item 2.
- All representatives of a school shall register with the Board. (p. 6)

j.
- Schools maintain written records of previous student education and training, and shorten training periods as warranted by skill or achievement tests.
- Schools keep adequate records to show attendance, progress, and grades. (p. 4)

k.
- See 4f, item 2.
- No tuition greater than $100 shall be collected by a residence school more than [illegible] days before a student begins receiving instruction, or by a correspondence school sooner than 10 days after first lesson submission.

l.
- With regard to 3k, item 2, not more than $50 of such amount may be retained from any student who fails to enter school. (p. 8)
- Schools shall have refund policies, which shall be subject to Board approval and consonant with USOE-approved standards, and which take into account school costs that do not diminish when a student withdraws or fails to enroll. (p. 5)
- See 5d, item 6.

m.

n.
- Schools enforce satisfactory standards of attendance, progress, and conduct. (p. 4)

4. Administration (KS-04):

a.
- The State Board of Education exercises jurisdiction over the system of schools and enforces minimum standards for approval of schools under its regulations.
- The Board determines which schools are exempted from this Act as having purely avocational or recreational subject matter. (p. 2)
- The Advisory Commission on Proprietary Schools, consisting of people knowledgeable concerning proprietary school operations, education, and business and industry, shall recommend policies, regulations, minimum standards, and general rules for carrying out this Act.
- The Board adopts and enforces rules and regulations to carry out this Act, and certifies names of schools meeting requirements for approval.
- The Board issues, renews, denies, makes conditional and revokes school certificates of approval, and registers or denies or revokes registration of a representative. (pp. 5, 6)
- See 3f, item 7.

b.

c.
- Application for school approval shall be on forms provided containing information as provided in rules and regulations. (p. 4)
- New owners must apply for new certificates within 60 days or as soon as possible.
- At least 30 days prior to certificate expiration, the Board must send renewal application and requirements for revised or additional information to the school. (p. 5)
- Applications for registration of representatives shall be based on information submitted by the school and representative in accordance with this Act. Renewal shall be in accord with renewal application forms sent by the Board. (pp. 6-7)
- Separate permits must be obtained for each school a representative represents.
- School and representative bonds shall be filed with the Board. (p. 7)
- See 4f, item 2.

d.
- Certificates of approval shall be issued for not more than 2 years. Renewal periods shall be 2 years.
- Registration of representatives shall be effective upon receipt of notice from the state until expiration of the school's certificate of approval. (p. 7)

e.
- Initial fee for school certification shall be $250; for renewal, $200; for initial registration of representative, $25; for renewal, $15.
- Necessary and reasonable expenses incurred by the Board in investigation or examination of a school shall be paid by the school prior to the issuance of a certificate.
- Monies received shall be credited to a special fund used for administering this Act. (p. 9)

f.
- The Board may impose conditions for approval, after school notification and opportunity for hearing. (p. 5)
- Temporary certificates valid for 1 year may be granted on the basis of information required by the Board including plans for facilities, instructional procedures, personnel, business standards, and operating practices which meet standards of the Act and regulations.

g.
- Schools not yet in operation when application for approval is filed may not begin operation until certificate is received. (p. 5)

5. Enforcement (KS-04):

a. • The Board denies, revokes, and imposes conditions on certificates of approval and refuses and revokes registration of representatives, after proper hearing. (p. 6)
 • Upon application of the Attorney General or County Attorney, district courts shall have power to enjoin any violation of this Act. In cases of substantial and willful violations, district courts shall have power to enjoin persons from engaging in business in the state. (p. 8)
 • See 5d, item 4.

b.

c. • The Board may refuse to issue a certificate upon written notification to the school, setting forth reasons, and opportunity for hearing before the Board or designated hearing officer. The school may employ counsel and present evidence. Upon conclusion of hearing, the Board shall issue certificate or final refusal to do so. Time limits are specified. The school may appeal final refusal if the action of the Board: (1) is not supported by substantial evidence; (2) is arbitrary or capricious; or (3) is in error in the application of law to facts of the case. Trial procedures in the district court shall be the same as for other civil cases, with rights of appeal under rules of civil procedure.
 • The Board may revoke or make conditional certificates of approval after notifying the school and setting forth grounds for action contemplated and affording opportunity for hearing. Certificate may be revoked or conditioned if the Board has reasonable cause to believe the school has violated the Act or regulations. The Board shall render written determination regarding denial or conditions. Time limits are specified. The school may appeal as outlined in the item above. (p. 6)
 • Denial or revocation of registration of a representative shall be in accord with above provisions applicable to denial or revocation of school approval. (p. 7)

d. • Contracts entered into with any person representing an unapproved school shall be unenforceable. (p. 4)
 • Bonds shall be conditioned that parties thereto shall pay all damages which the state or any person may sustain resulting from violations of the Act or regulations. The state shall use the bond for the benefit of any person or agency suffering expense or damage by breach of the bond. (p. 7)
 • See 5a, item 2.
 • If the court finds that a person has willfully used an unlawful act or practice, the Attorney General or County Attorney may recover, upon petition to the court and in addition to criminal penalties, a civil penalty up to $1,000 per person for each violation. "Willful" means when the person knew or should have known that his acts were deceptive or misleading.
 • Violation of this Act is a class C misdemeanor punishable by jail not to exceed 1 month. (p. 8)
 • Contracts entered into with a school or representatives who have not complied with the provisions of the Act shall be null and void and all money shall be refunded plus interest at 8% per annum, in addition to other damages. (pp. 8-9)
 • Any assignee of a student note or contract shall take such instrument subject to all defenses the student would have available on a simple contract. (p. 9)

KS-04-1

2. Application (KS-04-1):

No basic prohibition.

Exemption:

See exemption c under KS-04, Section 2, which is repeated here with stipulation that the school must establish to the satisfaction of the Department that its courses are purely avocational or recreational. (p. 3)

NOTE: Out-of-state schools not licensed to do business in Kansas during the 1970-72 licensing period shall be required to be accredited by a USOE-recognized agency. (pp. 2-3)

NOTE: National accreditation shall be accepted as evidence of a school's competence (p. 3) and schools furnishing proof of accreditation shall not be investigated except for complaints. (p. 5)

NOTE: The Board approves the use of the minimum standards of the most nearly appropriate accrediting agency of these four: (1) Accrediting Commission for Business Schools; (2) Accrediting Commission of the National Association of Trade and Technical Schools; (3) Accrediting Commission of the National Home Study Council; and (4) Engineers Council for Professional Development, except for provisions concerning minimum number of years of operation. (p. 3)

NOTE: The Board's policy is to encourage all private profit-making schools to be accredited as quickly as possible, where a national accrediting agency exists. (p. 2)

3. Coverage (KS-04-1):

See the third NOTE in Section 2 above concerning minimum standards.

a.

b.

c.

d.

e. • See 4c, item 1.
f. • Schools must furnish a $20,000 surety bond in order to obtain certificates of approval. Applicants for registration must furnish bonds in the amount of $2,000. (pp. 6-7)
   • See 4c, item 1.
g.
h. • See 4c, item 1.
   • Evidence of representative registration shall be displayed to each prospective enrollee before solicitation. (pp. 8-9)
i. • See 4c, item 1.
j.
k.
l. • See 4c, item 1.

4. Administration (KS-04-1):

a.
- The Kansas State Board of Education policy requires the industry to sustain as much of the cost of administering the Act as is fair (p. 2); the Board bills the school for investigation expenses. (p. 5)
- The State Department of Education issues application forms, receives applications, examines returned information, and if it is in good order, investigates the school. The Department also issues representative registration forms and representative bonding forms. (pp. 3, 5. 6, 7)
- The Board makes decisions on issuance or denial of Certificates of Approval and on registration, denial, and revocation of representative registration. (pp. 6-8)
- The Board issues temporary Certificates of Approval (see 4f below).
- The Kansas Commissioner of Education signs and certifies notification of Board decisions or approval. (p. 6)
- See stated purpose in 1 above for Board policies.
- The Board appoints staff and, when needed, professional consultants to investigate schools. (p. 5)

b.
- Upon receiving a request for school application form, the Department shall send the form, a copy of the Act (KS-04), and a copy of these regulations to the applicant. The application shall be filled out and submitted with fee and information in item 1 of 4c below. Staff of the Department shall promptly examine the application, and if it is found to be complete and in good order, the staff and, where needed, professional consultants shall inspect and evaluate the school, unless it is accredited. The Board shall review the application and make its decisions, and the school shall be notified in writing. If the school is found potentially eligible for a Certificate of Approval, it shall be notified and instructed to furnish a $20,000 surety bond. (pp. 3-6)
- Upon receiving a request for a representative registration application form, the Department shall send the form, a copy of the Act (KS-04), and a copy of these regulations to the applicant. The application must be completed, signed by the applicant, verified under oath or affirmation, accompanied by the fee and a $2,000 bond, and signed by a responsible person of the school to be represented, who shall make therein statements discussed in item 3 of 4c below. The Board shall review the application and make its decision. The Department shall issue evidence of registration with certain information thereon if registration is granted. (pp. 6-8)
- See 4f below.

c.
- Applications for schools shall be on forms provided, accompanied by a fee, and shall be supported by: (1) a balance sheet for the most recent complete fiscal year certified true and correct by a school officer (unless the school has been doing business for less than one year); (2) a summary of the school's space for facilities and equipment; (3) a certification by the chief officer that the school complies with all governmental regulations, such as fire, building, and sanitary codes, with accompanying information pertaining to any violation or deficiencies issued by any government agency; (4) a copy of the most recent catalogs, bulletins, brochures, and supplements; (5) fee schedules and charges for tuition, books, supplies, and any other outlays or money required of students; (6) policies and regulations covering the refund of unused portions of charges when students withdraw from school, or for any reason courses are not completed; (7) certificate of accreditation, or substantial evidence of bona fide progress toward achieving accreditation; (8) rules of conduct; and (9) copies of advertising used. (pp. 3-4)

- Upon notification of eligibility for approval, schools shall furnish required bond. (p. 6)
- Applicants for registration shall file information described in item 2 under 4b above. Statements signed by the responsible school person shall be that: (1) the person has read the application; (2) the school will employ the representative if registration is issued; (3) the bond of the school will cover the applicant during registration; and (4) the school will return the evidence of registration to the Department upon termination of the representative's employment. (pp. 6-7)
- See 4f below.

d. • Representative registration shall expire on the expiration date of the school's Certificate of Approval every two years. (pp. 7, 8)

e. • See KS-04, 4e, item 1.
- Representative registration fees shall not be prorated. (p. 7)
- See 4a, item 1.
- See 4f below.

f. • Application and proposal may be made to the Board for Temporary Certificate of Approval by anyone desiring to establish a school domiciled in Kansas for the first time, on forms provided, accompanied by a $250 fee. Inspection and evaluation shall be made as in 4b above; if application and proposal are in proper form and investigation supportive, the Board shall issue a Temporary Certificate; otherwise it shall be denied. The Temporary Certificate is not renewable and may be revoked. Sixty days before it terminates, schools in good standing may apply for a regular certificate. (p. 9)

5. Enforcement (KS-04-1):

a. • The State Board of Education approves or denies applications for approval and registration, and revokes representative registration after proper hearing. (pp. 6-8)
- See 5b, items 1 and 2.
- Power to revoke Certificates of Approval is implied by item 3 of 5c below, but not stated and no procedures are given.

b. • Complaints against accredited schools shall be throughly investigated and expenses incurred shall be charged to the school. See item 5 of 5c below. (Presumably the Department conducts such investigations, though this is not clear.) (pp. 5-6)
- Complaints against registrants for violation of laws shall be in writing, signed by complainant and verified under oath or affirmation; shall state concisely the alleged violation; and shall be filed with the Department. (p. 7)

c. • Prior to revocation of representative registration, the Board shall notify the registrant in writing, setting forth reasons, and affording a hearing. Registration may be revoked if the Board has reasonable cause to believe the representative has violated the Act or regulations. The Board shall render a written decision to the representative.
- The Board shall refuse to issue registration and shall set forth its reasons if it determines the applicant to be unacceptable. (p. 8)
- See 4f above. Temporary Certificates of Approval may be revoked on the same grounds as for revocation of regular certificates. (p. 9)
- See 5a, item 3.
- If any person files a complaint against an accredited school and there is reasonable cause to believe the school is not meeting or cannot meet minimum standards or evaluative criteria of accreditation and is not performing

services or furnishing facilities as represented or advertised, then a thorough investigation of facilities and personnel shall be conducted. (pp. 5-6)

d. • Enforcement strategies are: denial of approval and registration, investigation of complaints against accredited schools, and revocation of representatives' registration after hearing (and presumably but not explicitly of school approval as well). See 5 a-c above.

KS-01

2. Application (KS-01):

Community junior colleges

Contracts made by community junior colleges with out-of-state public or private institutions for academic or vocational education must be approved by the State Board of Education. (p. A-4)

Community college trustees are authorized to enter into agreements offering off-campus instruction at military bases and at state penal institutions.

Provisions of this Act shall apply only to community junior colleges accredited by the State Board whose collegiate credit curricula are limited to a program of not more than two years. (p. A-9)

3. Coverage (KS-01):

a. • Boards of Trustees are granted power to determine the educational programs of the college subject to prior approval of the State Board, to grant certificates of completion of courses, and to determine specifications for administrative and teaching staffs. (p. A-3)

b.

c. • No junior college teacher shall be required to meet certification requirements greater than those required in colleges and universities supervised by the Board of Regents.

d.

e.

f.

g.

h.

i.

j.

k. • The State Board may adopt criteria for determination of residence of students, shall set tuition rates for out-of-state and foreign students, and shall determine state aid on the basis of credit hours for enrolled students.
- The Board of Trustees shall collect from each student tuition established at not less than $8 per credit hour and not more than $13 per credit hour. (p. A-6)
- The State Board shall adopt rules and regulations requiring community junior colleges to adhere to a uniform system of accounting prescribed by the Board with the approval of the State Auditor. (p. A-9)

4. Administration (KS-01):

a. ● After January 1969, community colleges shall be under the supervision of the State Board of Education. (p. A-13)
   ● The State Board shall periodically amend or revise the state plan for community junior colleges and include standards, criteria, and policies governing their approval, establishment, operation, development, and accreditation consistent with this Act. (p. A-15)

b. ● The State Board shall approve establishment of proposed community colleges, based on specified standards of assessed valuation and potential student enrollment. (p. A-16)
   NOTE: A moratorium was placed on new community junior colleges (Section 71-1108) until that Section is repealed.

c. ● The State Board shall audit every community college budget, and may inspect and audit any financial records or inspect any physical facility related to contracts with other public or private institutions. (p. A-6)
   ● The Board of Trustees of each community junior college shall make an annual report in the manner prescribed by the State Board of Education. (p. A-3)
   ● A Board of Trustees, which makes contracts with out-of-state public or private institutions or agencies for academic or vocational education, shall make periodic reports of statistical and financial information to the State Board of Education, as it may request. (p. A-4)

5. Enforcement (KS-01):

a.

b.

c. ● If the State Authority finds that a previously approved community college has failed to comply with the provisions of this Act or of rules or regulations adopted (KS-01-1) or fails to meet standards contained in this Act, the Authority shall advise the Board of Trustees thereof.

d. ● If after 12 months of such notification (5c) the Board has failed to correct the deficiency noted, the State Authority shall withdraw approval, during which time the college shall not be entitled to state aid.
   ● Any action of the State Authority in granting, denying, or withdrawing approval of a community college shall be subject to review by the Legislature. (p. A-13)

KS-01-1

2. Application (KS-01-1):

Community junior colleges

3. Coverage (KS-01-1):

a. ● Institutions applying for accreditation shall offer a statement of philosophy, including role of the college; and statement of purpose, including general, occupational, and adult educational objectives. (p. B-11)

b. ● Curriculum (91-8-18) -- Curricular offering shall include: (1) courses parallel to the first 2 years of university or college scholastic standards; (2) 2-year general education programs drawn from liberal arts disciplines; (3) specialized vocational and technical skills; and (4) adult education courses to provide educational opportunities on part-time, evening, or summer basis. (p. B-17)

● All courses shall contribute to achieving the objectives of the school. (p. B-20)

● Vocational education courses are approvable as courses and credit hours for state aid purposes when they satisfy requirements for application on associate degrees.

● Credit hours of collegiate grade from accredited institutions of higher learning will be accepted to apply on associate degrees. (p. B-21)

c. ● Candidates for graduation may be awarded associate degrees for successful completion of 60 or more semester hours; certificates of completion may be awarded to those students meeting requirements established by the college; and certificates of proficiency to students in specialized vocational programs who do not meet all the requirements for an associate degree.

● Full-time enrollment is established at 30 credit hours per year. (p. B-10)

d. ● Administrative staff shall be certificated; the Board of Trustees, through administrative services, shall provide for competent faculty and for faculty salary. (p. B-12)

e. ● Facilities shall be healthful and adequately equipped to enable a school to carry out its purposes; libraries shall contain at least 10,000 volumes, be professionally staff, and represent a reasonable balance in the various areas of curriculum. (p. B-19)

f.

g. ● Graduation from high school or its equivalent (evidence of ability) shall be the basis for admission. Provision shall be made for orienting new students to campus and its programs. (pp. B-14, B-16)

h. ● Catalogs shall accurately state institutional purpose and accreditation, school calendar, admission and graduation requirements, staff qualifications, and curriculum offerings. (p. B-13)

i.

j. ● Permanent student and faculty records (such as academic, personal, and health) shall be kept and protected against loss or damage. (p. B-13)

k. ● Uniform tuition charge is established for resident, out-of-state, and foreign students. Residence is determined by specifications designated in Section 91-25-1 to 91-25-15.

• The responsibility of enrolling under proper residence classification for tuition purposes is placed on the student. (p. A-4)

• Tuition for out-of-state and foreign students shall not exceed $185 each semester; the uniform minimum student tuition shall be $2.50 per credit hour and the maximum, $7.00 per hour. (p. B-11)

• Scholarships, grants, and loans shall be distributed impartially, based on scholarship and need; a public statement on student aids shall be printed and circulated. (p. B-16)

l.

m. • The college shall maintain employment and follow-up services for students and graduates. (p. B-13)

4. Administration (KS-01-1):

a.

b. • For clarity of relationships, better communications, and mutual understanding in approval of continuing and/or new programs, these procedures shall be followed: (1) write a letter of intent to the director outlining the nature and scope of program and funding requested; (2) director determines need, quality, and financial feasibility; (3) institution submits formal proposal to director for approval; if disapproved, institution has right of appeal; (4) approved programs shall submit applications for continuance on a yearly basis; and (5) application for approval of out-of-district locations for college credit courses shall be approved or disapproved by directors of community colleges; such courses shall carry credit from parent institution and maintain the same level of instructional quality. (p. B-23)

c. • Conditions and duration of continuance of any or all programs of an institution shall be submitted in an accreditation report to the State Board of Education.

d. • Formal state accreditation visits for evaluating total institutional capacity for conducting programs shall be made each 10-year period, or as specified in previous visits. (p. B-25)

5. Enforcement (KS-01-1):

a.

b. • Students can file a written appeal with college admissions officer if they disagree with classification as non-resident for tuition purposes. Residence committees at each college shall hear and determine such appeals, and may seek advice from the Attorney General upon legal questions. Opinions rendered by the Attorney General to the State Commissioner of Education shall be distributed among admissions officers of all community junior colleges. (pp. B-1, B-3)

KS-02

2. Application (KS-02):

State universities and colleges (includes three universities and three state colleges)

3. Coverage (KS-02):

a. • The State Board of Regents shall determine the program to be offered and the degrees which may be granted by each university and college.

b.

c. • The Board shall approve each individual award in the case of honorary degrees. (p. 182)

d. • The chief executive officer of each university and college shall appoint such employees authorized by the Board of Regents. (p. 182)

e.

f.

g. • The Board shall adopt rules for admission of students. No person shall be refused his first admission to the freshman year at any state university or college. (p. 182)
- Any person enrolled as an American Indian on a tribal membership roll shall be deemed a resident of the state for the purpose of tuition and fees. (p. 182)
- The Board shall adopt rules and regulations prescribing guidelines for determining residence of students for fee purposes. (p. 185)

h.

i.

j.

k. • The Board shall fix tuition fees and charges to be collected by each university and college.
- The State Board may authorize any university or college to award grants to graduate students in the form of fellowships or scholarships. (p. 183)
- Each institution may, with Board approval, receive and administer federal funds for student loans. (p. 185)

l.

m.

n. • The Board shall contract for enrollment of students, in public or private out-of-state institutions, in programs not offered by Kansas institutions under the State Board of Regents. (p. 183)

4. Administration (KS-02):

a.

b.

c. • Contracts with corporations, whose operations are controlled by the Board or any college or university, shall provide that books and records be public and require an annual independent audit to be furnished to the Board and filed with the state. (p. 183)

KS-06

2. Application (KS-06):

Includes non-public junior colleges in regard to accreditation and certification of teachers and administrators.

4. Administration (KS-06):

a. ● All records of the governing body of each community college shall, at all reasonable times, be opened for and available to the State Board and its designated employees. (p. 252)

KENTUCKY

1. Identification:

KY-03

KRS 164.945 to 164.947 - Licensing of non-public colleges

Enacted: 1972

Stated purpose: "...to promote and to enhance the opportunity for higher education...by giving recognition and approval to bona fide colleges and universities as a protection to such...institutions and...the citizens...against those institutions...which resort to fraudulent practices, unfair competition, or substandard educational programs." (p. 37)

Basic effect: Requires private colleges which award degrees or diplomas to hold a license. Restricts the use of the terms "college" or "university" to licensed institutions.

Basic coverage: Private degree granting

KY-03-1

13 KAR 1:010 - Licensing of private institutions

Adopted: July 1975

Stated purpose: "These regulations are being promulgated pursuant to... KRS 164.945 to 164.947...." (p. 223)

Basic effect: Sets forth standards and procedures for licensing private colleges and universities.

KY-05

Executive order 74-633

Effective date: 20 August 1974

Stated purpose:

Basic effect: Transfers the power to adopt and implement standards and procedures under KY-03 from the Board of Education to the Council on Public Higher Education and transfers the authority to issue licenses under KY-03 from the Superintendent of Public Instruction to the Executive Director of the Council.

Basic coverage: Private degree granting

No further abstract prepared.

KY-04

KRS 165A.310 to 165A.400 - Proprietary education

Effective date: 1 July 1976

Stated purpose:

Basic effect: Requires a certificate of approval to maintain or operate a proprietary school located in or doing business in Kentucky. Requires an agent's permit to solicit or act as an agent in Kentucky for a proprietary school..

Basic coverage: Private degree (2-year) and non-degree granting institutions (proprietary only)

KY-04-1

Annual license fees

Approved: 5 January 1977

Stated purpose: "...establishes license fees covering both original and renewal applications from resident proprietary schools, and agents of either resident or non-resident proprietary schools operating in Kentucky." (p. 1)

Basic effect: See stated purpose above.

KY-02

State Universities and Colleges; Regional Education (Chapter 164)

Effective date: Revised and amended up to 1972

Stated purpose:

Basic effect: Establishes the Council on Public Higher Education, and designates its powers and duties; recognizes the University of Kentucky and the University of Louisville, stating what they shall provide and describing their governance by boards of trustees; recognizes the state college and university systems and states their purposes, governance, and required programs of instruction; establishes the University of Kentucky Community College System and states the general curricular areas to be provided; creates the Higher Education Assistance Authority to provide scholarships and loan guarantees; and establishes a method for financially assisting residents attending accredited private institutions.

Basic coverage: Public degree and non-degree granting

KY-03

2. Application (KY-03):

"...all colleges as defined herein shall be required to hold a license...." (p. 37)

A college is any educational facility which awards a degree, diploma, or other statement purporting to indicate a level of collegiate attainment.

Except:

a. Public colleges
b. Colleges licensed by other Boards (e.g., barbering, hairdressers and cosmetologists, business schools, and nurse education and nurse registration) (p. 37)

3. Coverage (KY-03):

Standards for the licensing of colleges will ensure that programs are comparable to the generally accepted standards of collegiate instruction with respect to faculty, curriculum, facilities, and student cost and that there is full disclosure with respect to the philosophy and purposes of the institutions and their capacity to fulfill these objectives. (p. 37)

a.

b. ● See above.
c.

d. ● See above.
e. ● See above.
f.

g.

h. ● See above.
i. ● The use of the title "college" or "university" shall be restricted to licensed institutions or those in operation on 25 March 1972. New branches or divisions of existing institutions must be licensed. (p. 38)
j.

k. ● See above.

4. Administration (KY-03):

See KY-05 in Section 1 which authorizes the Council on Public Higher Education to set standards and procedures and to issue licenses.

KY-03-1

2. Application (KY-03-1):

See KY-03. Also:

"No new college, division, or branch...shall offer instruction until a license has been granted...." (p. 223)

"A college which is licensed...is prohibited from offering...degrees...other than those...authorized in the license...." (p. 223)

"The instructional program of a [licensed] college... shall be restricted to those degree programs or majors...which are...authorized...." (pp. 223-224)

Colleges which are chartered, organized, or located outside Kentucky and desire to offer courses or conduct academic programs in Kentucky shall be licensed. (p. 223)

"The instructional program of a [licensed] college...shall be restricted to those degree programs or majors...which are specifically authorized...." (pp. 223-224)

Except:

a. See KY-03.
b. See KY-03.
c. Colleges operating under the statutes governing proprietary schools, provided they do not offer degrees. (p. 223)

NOTE: Kentucky colleges shall be presumed to be in compliance with licensure requirements if they are fully accredited by a USOE-recognized accrediting agency and the accreditation is accepted by the Council on Public Higher Education. Such a school may be considered as continuing in compliance so long as accreditation is maintained. The Council may proceed, for stated cause, as if a college was not accredited. (p. 224)
NOTE: Colleges must report to the Council any action by an accrediting agency which results in probationary status for more than one year or loss of accreditation.
NOTE: Only accredited colleges may offer graduate-level degrees. (p. 226)
NOTE: Accredited colleges shall follow the refund policies of their accrediting agencies if these policies are more favorable to the student than the policies herein prescribed.
NOTE: Out-of-state colleges shall follow Kentucky refund policies unless their policies are more favorable to the student.
NOTE: Proprietary colleges must file profit and loss statements as well as statements of assets and liabilities. (See 3f.) (p. 227)
NOTE: See Section 6 for special requirements for out-of-state colleges.

3. Coverage (KY-03-1):

a.

b.
- The institution shall have a systematic program of curriculum revision in order to maintain the general standards of accredited institutions. (p. 225)
- Courses in degree programs shall be generally transferable for credit among accredited colleges.
- Associate degree level courses shall be generally transferable toward the baccalaureate degree.
- The Council may determine that, because of the uniqueness of a program or other valid reasons, courses are not usually transferable but of collective (sic) quality.

c.
- Earned degrees shall be bona fide academic degrees.
- For associate and baccalaureate degrees, a reasonable percentage of the total credits shall be earned in general education, including science/mathematics, social/behavioral sciences, and humanities. Colleges offering an interdisciplinary general education program or other unique programs shall be in compliance if the Council determines that the program's content and distribution are appropriately related to the degree and institutional purposes. (p. 226)
- See third note in Section 2.

d.
- The chief administrator shall hold at least an earned baccalaureate degree from a recognized school and shall have a sufficient background of experience.
- Members of the faculty shall possess academic, scholarly, and teaching qualifications appropriate and requisite to their positions.
- Faculty shall possess the level of qualifications usually required for faculty in accredited colleges which offer degrees at comparable levels. (p. 224)
- There shall be a sufficient number of full-time faculty to insure continuity and stability of the program.
- Teaching loads shall be consistent with recognized educational practices and shall be appropriate to the field, variety of courses assigned, class size, and other factors.
- A professionally trained and competent library staff adequate to serve the needs of the students and in keeping with the purposes and objectives of the institution shall be provided.

e.
- The institution shall be maintained and operated in compliance with all ordinances, laws, rules, and regulations relative to safety and health.
- Adequate and appropriate space shall be maintained for instruction in classrooms and laboratories. Enrollment shall not exceed the design characteristics of the facilities. The program shall not be conducted in substandard housing, and the quality and quantity of equipment shall be adequate and appropriate for a good instructional program.
- The library shall be appropriate for the types of college programs. The collection shall be adequate in relation to needs, appropriately housed, and readily accessible. A program for continuous acquisition and recording of materials shall be clearly outlined and maintained, with a pattern of expenditures in relation to the total operational budget consistent with that of recognized colleges of similar types. Space for a reasonable proportion of the faculty and students to be accommodated at one time shall be provided. The physical environment shall be conducive to reflective intellectual pursuits. (p. 225)

f.
- A college shall be responsible for the actions of its agents and shall file a surety bond covering the institution and such agents for the protection of contractual as well as other rights of students. The minimum amount of the bond shall be based on the total maximum head count enroll-

ment of the previous or current year, whichever is larger, according to the following schedule: (p. 224)

Maximum Enrollment	Minimum Bond
0- 50	$ 5,000
51-100	10,000
101-200	20,000
201-300	30,000
301-400	40,000
400 and over	50,000

- See 4c for evidence of financial stability and financial statement that colleges must file.

g. - Students shall have completed a state-approved secondary school program or its equivalent.
- A student shall have demonstrated a readiness for the instructional program into which he or she has been admitted; the student's preparation, aptitude, and interest shall be such as to provide reasonable assurance of potential to benefit from training offered.
- The college shall provide qualified academic counseling to each student at the time of admission.

h. - Prior to enrollment, a college shall furnish each student with a copy of: (1) policies on grades, attendance, and conduct; (2) a description of the instructional program in which each student has an interest, with a detailed schedule of all charges, rentals, and deposits, and with a copy of the schedule of refunds for all of these; and (3) the student enrollment application, contract, or agreement.
- The catalog and enrollment application, contract, or agreement will set forth the reasonable application fee which the college may retain. (p. 226)
- A catalog shall be published at least every 2 years and shall contain general information, and the college's administrative and academic policies as indicated below: (1) General Information: (1) official name and address of the college, name of chief administrative officer, members of the governing body, and principal owners; (b) calendar, including beginning and ending dates; (c) names of faculty, including relevant education and experience; and (d) full disclosure regarding philosophy and purpose of the institution and its capacity to fulfill objectives. (2) Administrative Policies: (a) admissions policies and procedures, including granting of credit for previous education; (b) policies and procedures regarding student conduct and behavior and the process for dealing with cases of probation and dismissal; (c) schedules for all tuition and instructional charges and refund schedules; (d) financial aids; and (e) procedures for obtaining transcripts in a timely fashion at a reasonable cost. (3) Academic Policies: (a) class attendance; (b) grading system; (c) description of programs, including the course requirements and time normally required to complete each; and (d) full description of the nature and objectives of all degrees offered. (pp. 226-227)

i. - The use of the title "college" or "university" shall be restricted to institutions which offer degrees and which are licensed under the provisions of KY-03 or which have been using the title since 1972. (p. 224)
- Licensed colleges shall observe the following standards in advertising. They shall not: (1) use any advertising that is untrue, deceptive, or misleading; (2) indicate the college is supervised, recommended, or accredited by Kentucky agencies (exact wording regarding licensure is given); and (3) use terms such as "employment," "business opportunities," or "earnings" in recruitment, but shall use only such terms as "education,"

"college," or "instruction." (pp. 225-226)
- See 3f regarding agents' bonding.

j.
- The college shall maintain sufficient records for each student to provide an understanding of background, to record progress, and for reference of employers for a reasonable time after the student leaves college.
- The college shall maintain records in an orderly manner and make them available for inspection. (p. 226)

k.

l.
- Within 10 days of enrollment but 30 days prior to the date classes begin, a student may withdraw with full refund except for a reasonable application fee. (p. 226)
- The refund policy shall meet the following minimum requirements: (1) if charges are collected prior to entrance and the student fails to enter, then not more than $100 or not more than 10% of charges for a term, whichever is less, shall be retained; (2) if notification of withdrawal is given, the college shall comply with the following schedule: (a) during the first 25% of the course or semester, at least 75% of charges shall be returned; (b) during the second 25%, at least 50% shall be returned; (c) after completion of 50%, no refunds are required; (d) in all other cases, including illness or accident, the college shall make a settlement which is fair and reasonable; (c) refunds shall be made within 30 days after notification of withdrawal has been received by the college. (p. 227)
- See notes in Section 2 regarding refund policies.

m.
- Assistance and counseling for the purpose of helping with job placement or transfer shall be made available to each student who completes a technical or vocational program. (p. 226)

n.
- Any instructional program for which degree credit is awarded shall include adequate supervision by the college and such other instructional support as may be required to maintain a program of acceptable quality. (p. 225)
- See 3g and 3m regarding counseling.
- The college shall make available to students a reasonable amount of time of qualified faculty and staff for counseling purposes throughout the program.
- Regarding students' records, the administrative officers of the college shall keep informed on federal and state laws and regulations concerning disclosure of information on students and shall comply with such laws and regulations.
- The college shall establish suitable policies and procedures whereby a student is assured due process. (p. 226)

4. Administration (KY-03-1):

a.
- The Council on Public Higher Education issues licenses. (p. 223) Action on license applications must be taken within 30 days after a site visit is completed. (p. 225)

b.
- Within 30 days of the receipt of an original or renewed license application, the Council shall conduct a site visit at the college to make an assessment of factors significant in determining qualifications for licensure. (p. 225)

c.
- Each original or renewal license application shall be accompanied by copies of the college's charter, catalog, constitution and bylaws, and student enrollment application, contract, or agreement.
- Annual reports demonstrating that progress is being made in meeting licensure standards shall be submitted during a new college's first 3 years for

those offering associate degrees, or for first 5 years for those offering baccalaureate degrees. (p. 225)

- An annual report shall be submitted as a requirement for license renewal. The report shall contain: (1) a financial statement including assets and liabilities and a profit and loss statement for the previous 12 months for proprietary colleges, prepared by a licensed accountant on forms prescribed and submitted no more than 60 days following the end of the academic year; (2) a current list of the college's agents; and (3) annual license renewal fee as may be established by the Council.
- The Council shall be notified in writing at least 60 days prior to the planned date of additions or deletions from degree programs or majors.
- Within 30 days, the college must report actions regarding its status taken by its accrediting agency. The Council may request for stated reasons that copies of reports or communications from accrediting agencies be submitted.
- An application for license renewal or a supplementary application may be required within 60 days of: (1) a change in name; (2) a change in principal location; (3) a change in ownership or governance; (4) major curricular additions or deletions that result in a change in focus of the college; (5) action by a nationally recognized accrediting agency which results in a college being placed in a probationary status for more than 1 year or loss of accreditation; and (6) determination by the Council that other cause for renewal or supplementary application exists. (p. 227)
- See 3f regarding filing of bonds.
- The Council may require the college to furnish information regarding its administrative officers, owners, directors, or faculty. (p. 224)

d. • All colleges shall apply for license renewal at established time intervals not to exceed 5 years. Certain types of colleges (not specified) and individually identified colleges shall apply at shorter intervals. Time intervals need not be uniform. The applicable interval shall be indicated on each license. (p. 227)

e. • The Council may establish a nominal fee schedule for licensure and renewal. Fees are nonrefundable. They are to be deposited in the State Treasury, Trust and Agency account of the Council and applied to the cost of administering this Act.

- Costs of site visits shall be borne by the college. Costs shall not exceed $100 per person per day plus expenses and the total cost for a single visit shall not exceed $500, except that colleges located outside Kentucky shall bear the full cost of a site visit. The estimated cost of such a visit shall be deposited with the Council in advance and final settlement of expenses shall be made within 30 days following it. (p. 225)
- Any expense incurred in site visits and other purposes related to the removal of sanctions (see 5d) shall be borne by the college, notwithstanding the provisions above. (p. 228)

f. • New colleges may be granted a license if the Council determines that there is evidence it may reasonably be expected to meet standards within 3 years if it proposes to offer an associate degree, or within 5 years for a baccalaureate degree. (p. 225)

5. Enforcement (KY-03-1):

a. • The Council on Public Higher Education may deny license applications or notify the applicant of deficiencies which must be overcome before a license can be issued. (p. 225)

- The Council may require college officers to appear for hearings and may sanction colleges.

b. - Hearings are held for cause before the Council or a committee or officer thereof to determine the facts of a case. (p. 227)

c. - Providing false or misleading information on any application may be deemed sufficient grounds for denying licensure. (p. 223)
- The license shall automatically expire in the event the surety bond is terminated unless a replacement bond is provided without lapse in bonding. (p. 224)
- Failure to pay costs of site visits may result in license suspension or revocation. (p. 225)
- If the Council determines on the basis of a hearing that the public interest requires that sanctions be imposed against a college, the Council may: (1) place the college's license in probationary status for up to 1 year; (2) suspend the license for up to 1 year; (3) revoke the license; or (4) refer the case to other officials for appropriate action. (pp. 227-228)
- A college which is sanctioned by an officer or committee of the Council may appeal to the full Council.

d. - See 5c above.
- Colleges which are sanctioned shall comply with the terms of such sanction. (p. 228)
- The surety on the bond shall be for the protection of contractual or other rights of students or their parents, and shall be made payable to the Commonwealth of Kentucky. (p. 224)

6. Other (KY-03-1):

Any application from a college outside Kentucky shall be required to establish the need for the proposed program in Kentucky. The Council shall determine that such need cannot reasonably be met by Kentucky colleges before granting a license. (p. 223)

See 4c for linkages with accrediting agencies.

KY-04

2. Application (KY-04):

"No person shall conduct...or establish an institution as...defined or use any words which designate...that the operator of such institution is qualified to conduct...such institution, unless he holds a valid current license from the [State] board [for Proprietary Education]."

"No person shall in any way solicit any person...in this state to enroll at or attend any such institution unless such person holds a valid license as agent...." (p. 287)

"No person shall solicit...in this state for a proprietary school, located either within or without this state, unless said person shall have been issued an agent's permit...." (p. 288)

"No person, company, firm, corporation, association, society, or partnership shall maintain...a proprietary school...within this state until said school shall have been issued a certificate of approval...." (p. 289) (emphases added)

"[This law]...is intended to apply to and regulate proprietary educational institutions which are operated as or are organized for profit." (p. 287)

Proprietary schools are educational institutions privately owned and operated offering training in business, trade, technical, industrial, or related areas through residence, extension, or correspondence for which tuition is charged.

The definition shall not include:

a. schools supported partly or entirely from state or local taxes;
b. parochial, denominational, or eleemosynary schools;
c. schools or programs offering instruction primarily in avocation, recreation, or entertainment fields, as determined by the Board;
d. courses sponsored by an employer for employees for the benefit of the employer and without charge to the employee;
e. schools licensed or approved by other Kentucky boards (i.e., barbering, hairdressers and cosmetologists, nurse education, and embalmers and funeral directors).

In addition, this law shall not apply to institutions offering a 4-year college level course recognized by the Council on Public Higher Education nor to any religious and/or nonprofit institution exempt from taxation or which is subject to KY-03. (p. 286)

3. Coverage (KY-04):

a.

b. • The instructional quality and content of each course shall be adequate to provide reasonable education to each student; such quality and content shall be consistent with the public interest.
   • See 3n.

c. • Upon satisfactory completion of training, the student shall be awarded a diploma, associate degree, certificate, or other appellation which indicates that courses have been completed.

- d.
  - The educational and experience qualifications of directors, administrators, supervisors, and instructors are satisfactory in terms of the quality of instruction specified above. (p. 290)
  - The chief executive officer, directors, owners, administrators, supervisors, and instructors are of good moral character as determined by the Board. (p. 291)
  - See 3e.
- e.
  - The school has adequate space, equipment, instructional materials, and instructor personnel to provide training of the quality specified above. (p. 290)
  - The school shall be maintained and operated in compliance with all laws, ordinances, rules, and regulations relative to the safety and health of all persons on the premises.
- f.
  - The school is financially sound and reasonably capable of fulfilling commitments to students for training. (p. 291)
  - Applications for certificates of approval shall include a good and sufficient surety bond or other collateral in a penal sum of at least $20,000. Bonds may be continuous. (p. 289)
  - Agents' permits require a bond or other collateral of not less than $5,000. Bonds may be continuous. (p. 288)
  - A school's bonding requirements may be reduced by the Board if the school can show that they are excessive in its case. (p. 290)
- g.
  - No certificate of approval shall be issued to any school which denies enrollment to any pupil on account of race, creed, or color. (p. 289)
- h.
  - A copy of the course outline and a schedule of tuition is furnished to each student prior to enrollment. (p. 290)
  - See 3l.
- i.
  - The school does not use any type of advertising which is untrue, deceptive, or misleading. (p. 291)
  - No person shall be issued an agent's permit unless he/she is of good moral character, as determined by the Board.
  - See 3f for agents' bonding requirements.
  - Persons owning a 10% legal interest in a Kentucky school that has been issued a certificate may be issued an agent's permit without submitting a bond or a fee. (p. 228)
  - See 3n.
- j.
  - Adequate records shall be maintained and available for inspection. (p. 290)
- k.
- l.
  - The school adheres to a tuition refund schedule as presented in published form prior to enrollment. (p. 291)
- m.
- n.
  - The school adheres to other requirements consistent with the public interest as the Board determines are necessary to improve courses and to prevent misrepresentation, fraud, and collusion. (p. 291)

4. Administration (KY-04):

- a.
  - The State Board for Proprietary Education issues certificates of approval and agents' permits. (p. 288)
  - The Board shall have the authority to promulgate reasonable rules and regulations for the administration of this Act. (p. 292)
- b.
  - Prior to issuing a certificate of approval, the Board shall determine, upon investigation, appraisal, and evaluation, that a Kentucky school is

or can reasonably be maintained and operated in compliance with this section.
- The Board shall have the power to investigate, appraise, and evaluate schools from time to time to determine whether they are in compliance. (p. 291)

c.
- Applications for certificates and permits shall be made on forms provided and accompanied by fees and bonds. (pp. 288, 289)
- The application for a certificate shall be accompanied by any supporting documents the Board may require. The application and accompanying data shall be certified as true and correct in content or policy by the school's chief executive officer.

d.
- A certificate is valid for one year from July through June. (p. 290)
- An agent's permit shall be valid for one school year. (p. 289)

e.
- Fees shall be deposited in the State Treasury, Trust and Agency account of the Board, and shall be applied to the cost of administering this Act. (p. 291)

5. Enforcement (KY-04):

a.
- The Board for Proprietary Education considers claims on bonds, tries to effect settlements, and may bring action in any court in Kentucky. (pp. 288, 289)
- The Board may deny, revoke, or suspend certificates and revoke permits. (p. 291)
- The Kentucky Commission on Human Rights shall have the power to make investigations as to discriminatory practices of proprietary schools and shall report to the Board. (p. 289)

b.
- Any claimant may file a duly verified claim against a proprietary school or agent. The Board shall consider the claim at a hearing. If the Board cannot effect a settlement by persuasion and conciliation, it may make demand on the principal and surety of the bond and if not paid may bring an action on the bond in any court of record in Kentucky. (pp. 288, 289)
- See the third item of 5a.

c.
- Permits or certificates of approval shall be suspended by operation of law when agents or schools are no longer covered by surety bonds or other collateral. (pp. 288, 290)
- Certificates shall be suspended by operation of law at any time a school shall deny enrollment on account of race, creed, or color. (p. 290)
- Certificates shall be denied or suspended upon report by the Kentucky Commission on Human Rights that a school is engaging in discriminatory practices, and after notice and public hearing. (p. 289)
- If the Board determines that a school is not maintained or cannot be reasonably maintained in compliance with minimum standards, the Board may, after notice and opportunity for hearing, deny a certificate or may establish conditions which shall be met prior to issuance. (p. 291)
- An agent's permit may be revoked for fraud or misrepresentation in soliciting students. It may also be revoked for fraud or misleading statements made in the application with intent to mislead or conceal the truth. (pp. 291-292)
- Agents' permits shall be suspended by operation of law if the school's certificate is suspended or revoked, or if the agent leaves the employ of the school.
- A certificate may be suspended or revoked for failure to maintain courses

in compliance with standards. It may also be suspended for false or misleading application statements submitted with the intent to mislead or conceal the truth.

- The Board may suspend or revoke permits or certificates for other valid reasons. (p. 292)

d.
- Agents' bonds shall be conditioned to provide indemnification to any student who shall suffer loss or damage as a result of fraud or misrepresentation in procuring enrollment. Regardless of the time the bond is in force, the aggregate liability shall in no event exceed the penal sum of the bond. (p. 288)
- A school's surety bond shall be conditioned to provide indemnification to students or their parents suffering loss or damage as a result of fraud or misrepresentation used in procuring enrollment, as represented on its application for a certificate, or as a result of the student being unable to complete the course because the school ceased operations. Indemnification shall not exceed advance tuition paid; and the aggregate liability of the bond shall not exceed its penal sum. (p. 291)
- See 5b regarding claims on bonds.
- Persons or firms who violate provisions of this law shall be guilty of a misdemeanor and may be punished by a fine of up to $100, imprisonment in the county jail up to 6 months, or both. Each day's failure to comply is a separate violation.
- No note, instrument, or contract for payment for a course shall be enforceable unless the school and its agents shall have complied with the provisions of this law. (p. 292)

KY-04-1

4. Administration (KY-04-1):

e.
- Annual license fees for residence proprietary schools shall be based on net tuition income (defined as gross tuitions less refunds) according to the following scale:

Net Income	Annual License Fee
Up to $50,000	$ 50.00
For each $10,000 over $50,000	10.00
Maximum fee:	1,000.00

- All agents' fees shall be $100 annually.

KY-02

2. Application (KY-02):

University, college, and community college systems; all matters (federal, contractual, financial) pertaining to public higher education statewide.

Includes Sections 164-780, which offers financial assistance to qualified residents attending private institutions. Assistance is in the form of tuition or fees grants as supplementary aid to students where need exists. (p. 242)

3. Coverage (KY-02):

a. • The Council on Public Higher Education shall authorize programs of occupational qualification development, through contracts with accredited municipal junior colleges, for residents eligible for admission, and shall make payments to participating colleges for each enrolled student at a $200 per school year maximum. (p. 223)
   • The purpose of state universities and colleges is to give instruction at the college level in academic, vocational, and professional subjects; governance is vested in each Board of Regents.
   • The University of Kentucky Community College System, under governance of its Board of Trustees, shall provide a general 2-year academic curriculum with transferable credit, technical programs of 2 years or less, and general education courses not necessarily intended for transfer nor technically oriented. (p. 234)
   • The Council on Public Higher Education shall develop and transmit to the Governor comprehensive plans to meet the needs of the state and to conform with the duties of each system of public higher education as provided by statute.

b. • The Council shall approve all graduate degree programs including all schools and degree programs for which professional, regional, and/or national accreditation of school or program is available and/or licensing or certification of the graduate is required. (p. 222)
   • The Council shall prescribe the curricula for teacher education.

c. • The Board of Trustees of the University may grant degrees to graduates, and confer honorary degrees upon the recommendation of the faculty. (p. 226)
   • The five state universities shall provide baccalaureate programs of instruction (p. 228), and each Board of Regents may grant diplomas and confer degrees upon the recommendation of the president and faculty. (p. 230)

e. • The Council shall approve all capital construction projects exceeding $100,000 approved by the governing boards of state-supported institutions.

f.

g. • The Council shall determine entrance and/or registration fees and approve qualifications for admission to public institutions.

h.

i.

j. • All student academic records maintained by all public-supported institutions of higher education in Kentucky shall be confidential and shall not be released except with consent of the individual student. (p. 227)

k. ● The Council shall review budget requests submitted to it by institutions, including tuition and registration fees for all categories of students. These requests, along with Council recommendations, shall be submitted to the Governor biennially. (p. 222)

4. Administration (KY-02):

a. ● Governing boards of each state institution shall make rules and regulations necessary to put into effect rulings of the Council in regard to curricular offerings, entrance fees, and qualifications for admission. (p. 223)

b. ● The Council approves the graduate programs of instruction offered by the University of Kentucky, but the power to govern the University is vested in the Board of Trustees.
   ● The Council approves the graduate programs of instruction at the five state universities. (p. 228)

c. ● The Council shall publish annually a report of the educational and financial affairs of the institutions and disseminate other information relating to higher education. (p. 222)

5. Enforcement (KY-02):

a. ● Any person who deliberately violates the provisions regarding confidentiality of student records, upon conviction shall be punished by a fine of not less than $25 nor more than $100, and/or imprisonment for up to 30 days. (p. 247)

6. Other (KY-02):

Higher Education Assistance Authority provides scholarships and loan guarantees to residents attending any accredited institution providing courses of study leading to the granting of a postsecondary degree or diploma, including vocational and business schools and schools of nursing. (p. 239)

It includes financial assistance to students attending independent non-profit accreditation institutions in the state in the form of tuition or fees grants. (p. 242)

The Board of Directors governing the Authority has the power to award, administer, and guarantee loans; to prepare and provide catalogs of all aid programs to all high school and college libraries; and to approve educational institutions in which students may enroll and receive assistance. (p. 240)

LOUISIANA

1. Identification:

LA-01

Act 311 of 1972 -- An Act to amend Title 17 of the Louisiana Revised Statutes of 1950 by adding...Chapter 24A, Sections 17:3141.1-17:3141.14 (formerly Chapter 24, Sections 17:3121-17:3134) as amended by Act 397 of 1974 in Sections 3141.4 and 3141.5

Effective date: 1 October 1972

Stated purpose: "...to promote the public health, safety and welfare by safeguarding the people and legitimate proprietary schools of this state against incompetent, dishonest or unprincipled trade, technical and business schools... and operators, owners and/or solicitors thereof." (p. 1)

Basic effect: Requires schools to obtain licenses and solicitors to obtain permits; requires schools to meet standards to obtain licenses; requires both schools and solicitors to be bonded; establishes powers of the State Board of Elementary and Secondary Education (see Act 274 of 1975), State Superintendent, and Advisory Commission on Proprietary Schools.

Basic coverage: Private non-degree granting

LA-01-1

Proprietary School Commission Rules, Title 1, Section 1 (PSCR 1:1). Publication No. 1443 -- Rules and Regulations, Revised 1975, Advisory Commission on Proprietary Schools

Date revised: 1975

Stated purpose:

Basic effect: Establishes detailed procedures for rule adoption and amendment; re-states procedures from LA-01 regarding application for school licenses and solicitor permits; provides application forms. No new content over LA-01; wording of certain requirements of LA-01 simplified; much of LA-01 omitted, such as standards, make-up of Commission, and details on many procedures. Application forms are part of the packet of materials, specifying exact information needed in various areas.

No further abstract prepared.

LA-02

Act 207 -- An Act to amend Title 17 of the Louisiana Revised Statutes of 1950 by adding...Section 3141.15 relative to proprietary schools...

Effective date:

Stated purpose:

Basic effect: Authorizes State Board of Elementary and Secondary Education to approve or disapprove occupational degree proposals submitted by licensed postsecondary proprietary schools under its jurisdiction; sets qualifications for school licensing and sets standards in a few areas.

Basic coverage: Private degree granting (but see Basic effect above and precise description of application in Section 2)

LA-03

An act to amend Title 17 (L.R.S. 1950) by adding Section 1808 requiring the registration of all public and private postsecondary degree granting institutions (Act 225)

Effective date: 1976

Stated purpose: "In order to form a data base on all public and private postsecondary degree granting institutions...and to inform and protect the education consumer...each such...institution...shall register with the Board of Regents...." (p. 1)

Basic effect: Requires all postsecondary degree granting institutions to register and furnish data minimal to the purpose of protecting the education consumer.

Basic coverage: Public and private degree granting institutions

LA-04

An act to amend Title 17 (L.R.S. 1950) by adding Section 2050, which authorizes public institutions offering courses for college credit to award associate degrees and certificates (Act 253)

Effective date: 5 August 1976

Stated purpose: Recognizes that any public educational institution offering "...courses of study or curriculum above the level required for graduation from a public secondary school, some or all accepted for credit by a public or private college or university is a postsecondary institution...and may grant associate degrees and certificates." (p. 2)

Basic effect: Designates thirteenth and fourteenth grade programs as community college programs, and that students successfully completing such prescribed unified courses of study may be granted associate degrees and certificates.

Basic coverage: Public degree and non-degree granting (2-year)

LA-05

Act 313 - Relative to the Board of Regents, the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Supervisors of Southern University and Agricultural and Mechanical College and the Board of Trustees for State Colleges and Universities.

Effective date:

Stated purpose: "...to provide for the powers, duties, functions, and responsibilities of those boards vested with the supervision and management of colleges and universities of this state and their programs." (p. 1)

Basic effect: Grants the Board of Regents power to revise or eliminate existing degree programs, approve new degree programs, report to the legislature on the need for and feasibility of new institutions prior to their creation by a 2/3 legislative majority, and make budget recommendations to the governor and legislature for all public institutions of higher education. Grants individual management boards of each institutions all other management powers.

Basic coverage: Public degree granting

No further abstract prepared.

LA-06

Act No. 274

Effective date: 16 July 1975

Stated purpose:

Basic effect: Grants to the Board of Elementary and Secondary Education obligations of the State Board of Education regarding post-secondary vocational-technical education not conducted in colleges and universities. Powers and duties include budgetary responsibility, award of certificates and diplomas, preparation and approval of courses of study, certification of teachers, and approval of school books and learning materials.

Basic coverage: Public non-degree granting

No further abstract prepared.

LA-01

2. Application (LA-01):

No owner or representative of a proprietary school shall: (1) operate the school without valid license; (2) operate the school without valid surety bond; (3) utilize misleading or deceptive advertising; (4) accept a contract from a solicitor without a valid permit; or (5) violate this Act. No person offering to sell courses in the state shall: (1) solicit students without a permit; (2) solicit students unless bonded as required; (3) use fraud or misrepresentation to secure students' enrollment; or (4) violate this Act. (pp. 19-20)

After 1 October 1972, no course, degree, or diploma shall be offered or given and no student solicitation shall be conducted by written means, agents, or other means until the school planning to offer such course, degree, or diploma has obtained a license.

Profit and non-profit institutions are included.

(Phone contact indicates correspondence schools and out-of-state schools are covered under this Act. Both licenses and permits are required for out-of-state schools.)

Exemptions:

a. Institutions supported wholly or partially by public funds
b. Parochial, denominational, or eleemosynary institutions
c. Schools whose instruction is primarily in the field of recreation, health, or entertainment
d. Courses sponsored by employers for employees
e. Courses sponsored by recognized trade, business, or professional organizations for members
f. Private colleges and universities which award baccalaureate or higher degrees and operate programs for which credits are given, a majority of which must be transferable to a college, junior college, or university supported wholly or partially by public funds
g. Private schools which provide basic academic education comparable to that in public schools
h. Schools offering programs only for children under 6
i. Schools regulated and licensed under other state laws
j. Private tutors teaching groups of five or less
k. Day-camps
l. Schools teaching shorthand for court or general reporting

NOTE: Schools accredited by USOE-recognized agencies need not file all information normally required for licensing. See 4c, item 3. (p. 9)

3. Coverage (LA-01):

No license shall be issued until the Commission has determined that the school maintains substantially the following minimum standards:

a.

b.

c.

d. ● The school has qualified instructors.

e. ● Dormitories and eating facilities offered or contracted for by the school are clean, healthful, safe, adequate for number of students, and properly supervised.

- Work and study premises are sanitary, healthful, and safe according to State Department of Health standards.
- All instructional, housing, and eating facilities are open at reasonable times to inspection by Departments of Education or Health.
- Equipment is suitable and similar to that customarily used in work which would be preferred by a student.

f. ● The school has a balanced audit sheet reflecting solvency or a letter of credit reflecting solvency. (pp. 9-11)

- School surety bonds of $10,000 shall be filed with applications which shall be continuous and provide blanket coverage for the acts of all persons engaged as agents for the period of the license.
- Cash, certificates of deposit, government bonds, or other security as approved and accepted by the Commission amounting to $10,000 may be filed in lieu of a bond, subject to the same terms and conditions as the bond. (pp. 11-13 and Act 397 of 1974)
- Applications for agents' permits shall be accompanied by surety bonds of $1,000 acceptable to the Board, supplied by the agents or by the school as a blanket bond covering each agent for $1,000. (p. 17)
- See 4c regarding submission of audited balance sheet.

g.

h. ● Prior to enrollment, students are presented with published statements of total tuition charges and/or part payments thereof, fees required, charges for needed books, supplies and equipment, and charges for housing or a statement that housing is not furnished. (p. 10)

- Licenses shall be displayed on school premises. (p. 11)
- See 31 below.

i. ● All advertising and representations made on behalf of the school to prospective students are truthful and free from misrepresentation and fraud. (p. 9)

- No person engaged in any form of advertising business shall prepare advertising for a school or agent who is required by this Act to obtain a license or permit until the advertiser ascertains from the Commission that the school or agent in fact holds a valid license or permit. (p. 19)

j.

k.

l. ● Schools adhere to tuition refund policies as published in the enrollment contract and presented to the student prior to enrollment. (p. 10)

m.

n. ● The school is at all times equipped and able to comply with its contractual relationships with students. (p. 10)

4. Administration (LA-01):

a. ● The Advisory Commission on Proprietary Schools in the State Department of Education reviews license applications, recommends to the Department that the Department accept or deny applications, and provides reasons for its recommendations.

- The State Superintendent of Education certifies that license application procedures have been correctly followed, reviews Commission recommendations, provides his/her own opinion on recommendations, submits recommendations to the State Board, and issues licenses to schools whose applications the Board accepts.
- The State Board of Elementary and Secondary Education determines acceptance or denial of applications. (p. 4)
- The Commission adopts rules and regulations it deems necessary in administering its functions, and promulgates written rules and requirements pursuant to this Act. (p. 5)
- Licenses shall be issued or denied within 60 days of receipt of application.
- The Commission approves new course offerings. (p. 11)
- The State Board of Elementary and Secondary Education (or the Commission--unclear) issues solicitor permits (pocket cards) upon recommendation of the Commission and the Superintendent within 60 days, or else issues a temporary permit (see 4f). (pp. 16-18)

b. • The executive secretary of the Commission receives license applications. The Commission reviews these and recommends to the Superintendent acceptance or denial with written reasons. The Superintendent certifies that the Act's procedures have been complied with and states in writing his agreement or disagreement and forwards recommendations to the Board, which has final authority concerning issuance of licenses. The Superintendent then issues the license or, if license is denied, sends the applicant a complete statement of recommendations and reasons for denial. (pp. 4-5)

c. • Applications shall require bonds (see 3f above), payment of fees, and the following information: (1) name of applicant and school; (2) addresses of the applicant and school(s), administrative offices, dormitories, and cafeterias, and any other food service and housing establishments connected in any way to the school; (3) the legal structure of the school (individually owned, partnership, or corporation), and names and addresses of all owners; if owned by a corporation, the state and date of incorporation, the charter number, and the names and addresses of the officers, directors, and major stockholders; (4) a current audited balance sheet of the school prepared by a certified public accountant; (5) the names, addresses, educational, and teaching fields of all instructors; (6) a list of equipment for instruction in each course; (7) the maximum number of students to be enrolled in each course and the ratio of equipment and instructors to students; (8) the specific fields, courses, and purposes of instruction; (9) copies of all contracts or agreements which will be signed by students; (10) copies of all current catalogs, published materials, form letters, circulars, and all advertising copy; (11) an affidavit by each owner and solicitor containing full names and addresses of said person and the capacity in which he serves the school, city, parish or county, and state of permanent residence and places of residence for the past 5 years, name and address of employer(s) for the past 5 years, whether or not said person has ever been convicted of a felony or a crime involving fraud or any misdemeanor other than a traffic violation, and three persons who may be contacted concerning said person's good moral character; and (12) a copy of all written contracts or oral commitment made by the applicant with an apparent house owner for student housing, or with the owner of an establishment serving food to students, or with any other person planning to perform services or to whom students may be referred by the school. (pp. 7-8)

- In the case of office and clerical personnel, the owner may submit an affidavit setting forth information in point 11 of the above item concerning all clerical and office personnel; information shall be based upon the owner's investigation and knowledge. (p. 8)
- Accredited schools (see NOTE in Section 2) shall not be required to submit information in points 4-12 of the above item unless specifically requested by the Commission. If accreditation should be withdrawn, the owner must immediately notify the Commission and file information in points 4-12 within 90 days. (p. 9)
- Licenses shall be valid only for school and courses for which issued. New courses or branches must be approved. Licenses are not transferable; if ownership changes, license is revoked. (p. 11)
- See item 3 under 3f above.
- Applications for agents' permits shall be on forms provided and accompanied by fee payment and bond (see 3f above). A separate permit is required for each school represented. (pp. 16-17)
- Application for license renewal shall be accompanied by fee. (Act 397 of 1974.) Application for permit renewal shall be accompanied by fee and bond. (p. 17)

d. ● Licenses are valid from date of issue until revoked for cause by the Board, but shall be renewed annually. (Act 397 of 1974.)
- Permits are valid for 1 year from date of issue. (p. 17)

e. ● Initial license fee shall be $100; renewal, $50. Initial and renewal permit fees shall be $5 per school. No license fees are refundable. Fees shall be retained by the Commission for administration of this Act. (pp. 6, 17)

f. ● If the Commission cannot issue an agent's permit within 60 days, it shall issue a temporary permit. The Commission prescribes conditions and standards under which temporary permits may be issued. (p. 18)
- See item 4 under 5a below.

5. Enforcement (LA-01):

a. ● The State Board of Elementary and Secondary Education, on recommendation of Commission or Superintendent, denies license applications. (p. 5)
- The Commission and/or the Board holds hearings at the request of the applicant.
- If action to deny or revoke licenses or permits is appealed, the court makes a final decision. (pp. 14, 16, 19)
- The Board, on recommendation of the Commission or Superintendent, may suspend, revoke, cancel, or make conditional operation under a license after notification and hearing, upon two-thirds vote. (p. 15)
- The Commission and the Board have subpoena power, power to take testimony by deposition, and power to require production of any relevant records. (p. 16)
- The Commission may deny applications for solicitors' permits, or revoke them by majority vote after notification and hearing. (p. 18)
- The Commission or Superintendent may petition a court of competent jurisdiction for an injunction restraining the committing of prohibited acts (see Section 2 above). (p. 20)

b.

c. ● If the Board denies an application for license, the State Superintendent notifies the school and provides written reasons. (p. 5)

- No applicant will be issued a license until it has been determined that standards in 3a-h are met. (p. 9)
- See 4c, item 4.
- If a school bond expires and is not replaced within 60 days, license shall be suspended after notice. (p. 13)
- An applicant aggrieved by denial of license may request a hearing before the Commission at which the applicant and other interested persons may present evidence, though strict rules of evidence shall not apply. The Commission shall, within 7 days, issue a statement giving reasons for its recommendations. If the Board receives a recommendation for denial, a hearing may be held at applicant's request, either specially called or at the Board's next meeting. Board decisions may be appealed to the district court, and court decision shall be final. (pp. 13-14)
- The Board must afford opportunity for hearing before revoking, suspending, or placing conditions upon a license. Such action may be taken upon two-thirds vote for: (1) signing of an application or the holding of a permit by a person who has pleaded guilty or been found guilty of a felony; (2) failure to comply with a commitment made in a license application; (3) failure to maintain the minimum standards set forth in 3a-n; (4) failure to maintain sufficient financial resources as evidenced by an audited balance sheet or letter of credit reflecting solvency; (5) use by the school of the services of a solicitor who does not hold a permit; (6) failure of the school to comply with this Act or written rules or regulations of the Commission; (7) use by a solicitor, with the owner's knowledge, of fraud or misrepresentation in procuring student enrollment, or if any such incident is called to the owner's attention, failure by the owner to take remedial steps, including restitution of fees collected and expenses incurred by the prospective student; (8) failure on the part of the school to comply with every contract by it or its representative with any student; (9) use by the school or any representative of deceptive or fraudulent advertising; (10) commitment by the owner of a school of any acts prohibited by this Act (see Section 2 above); (11) filing of false information with the Commission, Superintendent, or Board by a school owner or any holder of a license or a permit; (12) failure of the owner of the school to notify the Commission in writing of the withdrawal of accreditation or approval; or (13) failure to provide facilities or equipment in a safe and sanitary condition. (pp. 15-16)
- Any final decision of the Commission may be appealed to the district court. (p. 16)
- Solicitor permits may be revoked by majority vote of Commission members after notification and hearing if the holder solicits students through fraud, deception, or misrepresentation or if the Commission finds the holder is not of good moral character. Strict rules of evidence shall not apply. (p. 18)

d.
- School bonds shall provide for indemnification of any person suffering loss through: (1) fraud or misrepresentation in procuring his enrollment; (2) failure of the school to carry out each contract with a student entered into by the school or any representative; or (3) inability of the student to complete the courses because school ceased operation or failed to furnish facilities promised in advertising or contract. (p. 12)
- Solicitor bonds shall provide for indemnification of any person suffering loss through point 1 in the above item.
- Liability of the surety for each solicitor shall not exceed $1,000 as an

aggregate for all students for all breaches of conditions of the bond. (p. 17)

- No recovery shall be had on any contract if the solicitor did not hold a valid permit when the contract was negotiated. (p. 19)
- Owners, employers, or solicitors found guilty of prohibited acts (see Section 2 above) shall be guilty of a misdemeanor and fined up to $500 for each day such act continues. (p. 20)
- See 5a above, items 1, 2, 4-7.

LA-02

2. Application (LA-02):

No basic prohibition.

Postsecondary proprietary schools shall be eligible for degree granting status if: (1) licensed by the State Board of Elementary and Secondary Education; (2) domiciled in Louisiana; and (3) accredited by AICS, NAATS, or the Southern Association. (p. 1)

Degree which may be awarded by such schools is a non-academic degree entitled Associate in Occupational Studies. No proprietary school shall award the Associate of Arts or Associate of Science degree. See 3i below.

Nothing in this Act shall impair the right of private colleges to award degrees. (p. 2)

3. Coverage (LA-02):

a.

b. • Each such degree program shall have a minimum of 75% of its course of study in a specific occupational area.
   • Each student must complete a minimum of 2 years, 4 semesters, or 6 quarters of course work for such degree.

c. • See Section 2 for types of degrees which may and may not be awarded by proprietary schools.

d.

e.

f.

g. • Each student admitted to such a degree program shall have a high school diploma or equivalent.

h. • See 3i below.

i. • Advertising, recruiting, and publications shall state clearly that such degree is non-academic and does not imply or guarantee transferability. (p. 2)

4. Administration (LA-02):

a. • The State Board of Elementary and Secondary Education approves or disapproves occupational degree proposals submitted by eligible, licensed postsecondary proprietary schools under its jurisdiction. (p. 1)

5. Enforcement (LA-02):

a. • The State Board of Elementary and Secondary Education revokes such degree granting status if the school loses its accreditation.

b.

c. • See 5a above.

LA-03

2. Application (LA-03):

See stated purpose in Identification.

Includes all residence and correspondence schools domiciled in-state, and all degree granting institutions domiciled out-of-state but operating within Louisiana.

3. Coverage (LA-03):

1. • The fact of registration with the Board shall not be used in any form of advertisement by the school; registration does not constitute state approval of any postsecondary degree granting institution.

4. Administration (LA-03):

a. • All degree granting (public and private) postsecondary institutions must register with the Board of Regents.

b.

c. • Registration in writing shall include: (1) name, main address, and location of operation of institution; (2) courses and degrees offered; (3) names and addresses of chief administrative officers and governing board members; (4) number of volumes in and location of library; and (5) its accreditation status with a regional or professional agency in Council on Postsecondary Accreditation.

d. • Information supplied at registration shall be updated annually.

5. Enforcement (LA-03):

a. • The Attorney General is authorized to seek injunctive relief against institutions not in compliance; all costs incurred by the state in connection with such action shall be born by such institution if it is not found in compliance with the Act. (p. 2)

b.

c.

d. • See 5a above.

LA-04

2. Application (LA-04):

Any public school or public educational institution which offers courses of study or curricula above the level required for graduation from a public secondary school in this state and which are accepted for credit by any public or private college or university in Louisiana is a postsecondary institution.

3. Coverage (LA-04):

a.

b.

c. ● Any postsecondary institution (defined in 2 above) may grant associate degrees and certificates upon the completion of prescribed, unified courses of study as prescribed by the institution and approved by the appropriate state management boards and the Board of Regents. (p. 2)

4. Administration (LA-04):

a.

b. ● Associate degrees and certificates shall require specific approval of the Board of Regents.

MAINE

1. Identification:

ME-01

Authority to confer academic degrees; approval of degree granting institutions (revised Statutes, Title 20, Section 2202)

Effective date:

Stated purpose:

Basic effect: Requires authorization of Legislature to confer degrees. Requires license or certificate of temporary approval to use terms "college," "university," etc. if not authorized.

Basic coverage: Public and private degree granting

ME-01-1

Evaluation procedures

Effective date: December 1975

Stated purpose: "To insure equitable treatment, sound professional judgment, and a standardized approach to the evaluation of an institution...." (p. 1)

Basic effect: Describes the evaluation process for degree granting institutions. In a phone conversation 27 October 1976, Wayne H. Ross, Director, Higher Education Services, Maine Department of Educational and Cultural Services, stated that these procedures have the force of regulation.

No further abstract prepared.

ME-01-2

Instructions for visiting committees

Effective date: December 1975

Stated purpose:

Basic effect: Provides detailed description of procedure for evaluation visit to degree granting institutions and the preparation of the resulting report and recommendation to the State Board of Educational and Cultural Services. The evaluation is based upon standards of the New England Association of Schools and Colleges (a regional accrediting association).

No further abstract prepared.

ME-02

Privately owned business, trade, and technical schools (Revised Statutes, Title 20, Chapter 320, Sections 2661-2663)

Effective date: 1964

Stated purpose:

Basic effect: Requires registration and permits for operation of private, business, trade, or technical schools. Requires permits for sales agents of out-of-state schools.

Basic coverage: Private non-degree granting

ME-03

Privately owned correspondence schools (Revised Statutes, Title 20, Chapter 319, Sections 2651-1656)

Effective date:

Stated purpose:

Basic effect: Requires permits for sales representatives of correspondence schools located both within and outside of Maine.

Basic coverage: Private non-degree granting

ME-03-1

Standards for permits for Maine field representatives and agents of correspondence schools

Effective date:

Stated purpose:

Basic effect: Sets forth information and requirements regarding permits for sales agents of correspondence schools.

ME-04

University of Maine (Chapter 303)

Effective date: 6/25/75

Stated purpose: States "...the fundamental policies to be adhered to in the state's public higher education planning...." (p. 175)

Basic effect: Reaffirms the function of the University of Maine as the agency with overall responsibility for public higher education, and grants custody of all expenditures of money to the Treasurer of the University, with the approval of the Trustees.

Basic coverage: Public degree granting

ME-05

An Act Relating to Coordination of Public Higher Education

Effective date: January 1968

Stated purpose: "To develop, maintain and support a cohesive structure of public higher education in the State...[allowing] each institution...a proper measure of control over its own operations..., a system unifying the University of Maine...and [five state colleges]...is established under the name of the University of Maine." (p. 981-1)

Basic effect: Establishes the Board of Trustees as the governing and planning body with the responsibility for budget preparation and approval.

Basic coverage: Public degree granting

2. Application (ME-01):

No entity shall confer academic, educational, literary, or professional degrees unless authorized by an act of the Legislature. No entity shall use the term "junior college," "college," or "university" or other description tending to designate it as an institution of higher learning with the power to grant degrees unless it operates under a license or a certificate of temporary approval or it has been given the right to grant degrees.

Exceptions:

a. To rules regarding use of terminology: Institutions authorized by the Legislature to grant degrees.
b. To rules regarding use of terminology: Entities operated prior to 1 January 1957.
c. Educational institutions coordinating programs with degree granting educational institutions in Maine, provided such programs are approved by the State Board of Education.

3. Coverage (ME-01):

Standards commonly accepted in the accreditation of American educational institutions shall be used to prepare a report for use by the Legislature regarding the adequacy of the institution's buildings, instructional facilities, and provisions for the safety and well-being of students, the qualifications of the faculty, the character of the program of studies and of the requirements for the award of degrees, practices in the admission of students, the adequacy of financial resources, and the governing policies of the institution.

4. Administration (ME-01):

a. • Institutions are authorized to grant degrees by an act of the Legislature upon recommendation of the State Board of Education. Applications are made to the Board through the Office of the Commissioner of Educational and Cultural Services.
   • The Board may grant certificates of temporary approval and shall establish regulations for licensure and temporary approval with the advice of the Higher Education Council.
b. • The Commissioner of Educational and Cultural Services shall obtain full information on the merit of an institution to grant degrees in order to prepare a report for the Legislature.
c.
d.
e.
f. • Temporary approval to use the terms "university," etc. may be granted to institutions awaiting approval or to new institutions not yet ready to seek degree granting status.

5. Enforcement (ME-01):

d. • Entities offering degrees without being authorized shall be punished by a fine up to $1000, by imprisonment up to 11 months, or by both.

ME-02

2. Application (ME-02):

Any entity operating or maintaining a private business, trade, vocational, or technical school in Maine shall register the institution and obtain a permit prior to operation. No school or person representing a privately-owned business, vocational, or technical school located outside Maine shall solicit or sell courses in Maine unless he or she first secures a permit.

Exceptions:

a. Schools approved by other boards or commissions in the state (e.g., barbering, hairdressing, real estate).
b. Schools authorized to grant degrees.

3. Coverage (ME-02):

f. ● A surety bond in the penal sum of $1000 must accompany applications for permits.

4. Administration (ME-02):

a. ● Schools register for permits with the Commissioner of Educational and Cultural Services. The Department of Educational and Cultural Services issues permits on forms furnished by the Board of Education.
b.
c.
d. ● Permits are good for 1 year.
e. ● The initial fee for a permit is $25. Renewal fees are $10. Fees are deposited in the State Treasury in the General Fund.

5. Enforcement (ME-02):

d. ● Bonds are conditioned to provide indemnification to any student suffering loss as a result of any fraud or misrepresentation.
● Anyone operating a school in violation of this chapter is guilty of a misdemeanor punishable by a fine of not less than $25 nor more than $500.

ME-03

2. Application (ME-03):

No person representing a privately owned correspondence school inside or outside of Maine shall solicit or sell in Maine any correspondence course without a permit.

3. Coverage (ME-03):

1. • No person shall be granted a permit unless he is of good moral character.

4. Administration (ME-03):

a. • The Commissioner of the Department of Educational and Cultural Services supplies the permits.
   • The State Department of Educational and Cultural Services is authorized to adopt rules and regulations and to establish an advisory committee of owners or representatives of privately owned correspondence schools.

b.

c. • Surety bonds in the penal sum of $1000 shall accompany permit applications.

d. • Permits are valid for the calendar year for which they are issued.

e. • Initial and renewal application fees are $5.

5. Enforcement (ME-03):

c. • A permit may, upon 10 days' notice and after a hearing, be revoked if the holder solicits or enrolls students through fraud or misrepresentation.

d. • Surety bonds are conditioned to provide indemnification to any student suffering loss as a result of any fraud or misrepresentation used in procuring his enrollment.
   • The aggregate liability on the bond shall not exceed its penal sum.
   • Any person violating these provisions shall be guilty of a misdemeanor and punished by a fine of up to $500 or imprisonment for not more than 3 months.

ME-03-1

3. Coverage (ME-03-1):

g. ● See 5c, point 1.
h. ● Contracts shall include: (1) the total cost to the student; (2) the initial payment at registration; (3) the amounts and due dates of subsequent payments; (4) a list of books, supplies, and equipment to be provided by the student (list may be provided prior to signing the contract); (5) all other charges the school may make; (6) refund policy; (7) particulars concerning resident instruction, if any; and (8) provision for counter signatures of minor's signature by parent or guardian. (pp. 2-3)
i. ● To be eligible for a permit, applicants must be: 21 years old and of good moral character with a reputation for honesty, truthfulness, and fair dealing. (pp. 1-2)
● See 5c, point 4.
j.
k.
l. ● The maximum cost to the student should not exceed the following: (1) for students who cancel before their enrollment is recieved, accepted, and recorded at the home office, all money paid shall be refunded; (2) when applications are rejected, a full refund is due; (3) students who cancel within 90 days from enrollment owe only a fee of not more than $50 plus 25% of the list price of the course; (4) students cancelling after 90 but within 180 days owe the fee plus 50% of the course price; (5) for students forced to discontinue because of death or disability, "the school shall set such refund over and above as the school may deem equitable under the circumstances." (p. 2)
● The above regulations apply to programs of 2 years or less. For longer programs, time limits shall be extended on a proportionate basis. (p. 2)

4. Administration (ME-03-1):

c. ● Copies of the contract students sign must be filed with the Commissioner of Education. (p. 2)

5. Enforcement (ME-03-1):

c. ● Permits may be revoked after notice and hearing if: (1) the representative has enrolled students in courses for which they are clearly unfitted on the basis of previous education and experience; (2) a student has suffered loss as a result of fraud or misrepresentation; (3) the school the agent represents has not fulfilled its contract with one or more Maine student; or (4) the representative has violated the Trade Practice Rules for Private Home Study (referring to fraud or misrepresentation) approved by the FTC. (p. 3)
d. ● Surety bonds are conditional for the faithful performance of all contracts and agreements with students. (p. 1)

ME-04

2. Application (ME-04):

University of Maine system, including state colleges

Public policy on higher education encourages cooperative arrangements with private institutions or institutions outside the state. (p. 175)

3. Coverage (ME-04):

Fundamental policies to be adhered to in the state's public higher education planning include:

a. • Developing and supporting a structure of public higher education which will assure the most cohesive system possible in providing higher education opportunities, to which the highest priority for fiscal support is assigned. (p. 175)
   • Supporting the principle that each education institution (both public and private) in the state shall have control over its educational programs and related activities within its board of control.
b. • Providing in its public institutions or through cooperative arrangements the programs that its citizens may require. (p. 175)
c.
d.
e.
f. • Financially supporting the programs of public institutions through appropriations, grants, and loans, and assigning the allocation of public funds to the development of services and institutions to provide opportunities for those who are limited by economic, social, educational, and cultural factors. (p. 176)
g. • Recognizing that all citizens of Maine shall be eligible for the benefits of appropriate higher education, whether they are high school graduates or the equivalent, or those seeking re-training or training for new careers. (p. 175)

4. Administration (ME-04):

a. • The University of Maine is declared to be an instrumentality and agency of the state for the purpose for which it was established. (p. 176)
b.
c. • The Treasurer of the University shall annually prepare a complete report to submit to the Governor, the Board of Trustees, and the Legislature. (p. 177)

ME-05

2. Application (ME-05):

University System, including state colleges

3. Coverage (ME-05):

a.
- The Board of Trustees shall appoint a Chancellor to be the chief administrative officer, and the persons to head the various campuses. (p. 981-2)
- Each institution shall have a proper measure of control over its own operations. (p. 981-1)
- The Board of Trustees shall be the governing and planning body and shall have the responsibility for preparing and approving the operating and capital budgets. (p. 981-2)

MARYLAND

1. Identification:

MD-01

Sections 11 and 12 of Article 77 of the Annotated Code of Maryland (Rules and Regulations for approval and accreditation and certificate of approval for private schools)

Effective date:

Stated purpose:

Basic effect: Requires assent and approval to issue certificates, diplomas, or degrees and requires certificates of approval to begin or to continue to operate. (This law is similar to MD-03. The powers it gives to the State Board of Education were transferred to the State Board for Higher Education in MD-03.)

Basic coverage: Public and private degree and non-degree granting (all institutions of postsecondary education)

No further abstract prepared.

MD-03

An Act Concerning Higher Education (Senate Bill No. 347)

Effective date:

Stated purpose: "...generally revising the structure and governance of post-secondary education...creating a State Board for Higher Education...[and]... certain advisory committees...." (p. 1)

Basic effect: Requires all institutions of postsecondary education to obtain certificates of approval. Also creates the State Board for Community Colleges and provides for its composition and duties, and states that the Board of Trustees of the State Colleges shall exercise control, care, and management of the facilities and finances.

Basic coverage: Public and private degree and non-degree granting

MD-06

Sections 151-159 of Article 77 of the Annotated Code of Maryland, 1969
Fraudulent or Substandard Degrees

Effective date:

Stated purpose: "...to prevent deception of the public resulting from the conferring and use of fraudulent or substandard degrees...the protection of legitimate institutions and those holding degrees from them...." (p. 2)

Basic effect: Requires degree granting institutions to file notices 1 year before granting degrees. Notices must be approved.

Basic coverage: Public and private degree granting

MD-0X-1*

Maryland Standards for Nonpublic Schools: General Standards for Nonpublic Schools Offering Instruction in Specialized Areas: Bylaw 913.1 Code of the Bylaws of the Maryland State Board of Education*: in Maryland School Bulletin, Volume XXXVII, No. 2, June 1961 (called Bylaw 913.1)

Effective date: 31 August 1960

Stated purpose: "...to supplement and implement the purposes and provisions of the nonpublic school law...to furnish guidance and to recognize sound school practices...." (p. 1)

Basic effect: Requires private, specialized schools to obtain certificates of approval based upon stated standards.

Basic coverage: Private non-degree granting

MD-01-1*

Maryland Standards for Two-Year Colleges: In Maryland School Bulletin, Volume XLIV, No. 2, May 1969

Standards approved: 26 March 1969

Stated purpose:

Basic effect: Sets forth standards for state accreditation as a 2-year college. Accreditation may result in a certificate of approval.

Basic coverage: Public and private degree granting

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*These standards remain in effect until the Maryland State Board for Higher Education approves its own regulations.

MD-01-2*

Maryland Standards for Four-Year Colleges and Universities

Bulletin reprinted: September 1969

Stated purpose:

Basic effect: Sets forth standards for state accreditation of 4-year colleges and universities. Accreditation may result in a certificate of approval.

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*These standards remain in effect until the Maryland State Board for Higher Education approves its own regulations.

MD-03

(Abstract includes (Sections 32.(D), 32.(F), and 32A.) private sector only.)

2. Application (MD-03) *(private)*:

"Every institution of postsecondary education...shall obtain a certificate of approval...in order to commence or continue to operate, do business, or function in this State. [Institutions of postsecondary education include schools offering educational programs to persons at least 16 years old who have left elementary or secondary school.] An institution of postsecondary education may not issue a certificate, diploma, or degree without having first obtained the approval of the Board of the conditions of entrance, scholarship, and residence upon which it is based." (p. 14)

Exemptions: The definition of "institution of postsecondary education" does not include the following programs conducted by a public school system:

a. adult education
b. evening high school
c. high school equivalence

Institutions operating under a charter granted by the General Assembly are not required to obtain a certificate of approval. (p. 14)

The section does not apply to apprenticeship and on-the-job training programs subject to approval by the Apprenticeship and Training Council.

3. Coverage (MD-03) *(private)*:

"The Board shall issue a certificate of approval...if it finds that the facilities, conditions of entrance and scholarship and educational qualifications and standards are adequate and appropriate for the purposes of the institution and the programs, training, and courses to be taught...." (p. 14)

See section 2 above.

4. Administration (MD-03) *(private)*:

a.
- The State Board for Higher Education may secure, compile, and evaluate data, statistics, and information.
- It may visit and conduct inspections of institutions.
- The Board issues certificates of approval. (p. 14)

5. Enforcement (MD-03) *(private)*:

a.
- The State Board for Higher Education was the only enforcement agency mentioned. (pp. 14-15)

b.

c.
- If the Board has reason to believe that a school is not in compliance with the conditions or standards upon which its certificate is based, it notifies the school of alleged deficiencies and gives the school at least 30 days to correct them.
- The institution may request a hearing, and if it does, the order to correct deficiencies is stayed until a determination is made.
- If the institution fails to correct the deficiencies, the Board may order it to cease operation.
- The institution has the right of judicial review provided by the Administrative Procedures Act, but the institution must prove the Board was wrong and the Board is to be a party to the proceeding. (pp. 14-15)

6. Other (MD-03) *(private)*:

The State Board for Higher Education administers a program of state aid to private institutions of higher education. To be eligible, non-profit colleges or universities must have been established prior to 1 July 1970, be accredited by the State Board, maintain at least one associate of arts or baccalaureate degree program, and submit all new programs and major alterations of programs to the Board for its review and recommendation regarding their initiation. (pp. 13, 16, 24)

MD-03

(Abstract includes public sector only.)

2. Application (MD-03) *(public)*:

Article 77A, Sections 1, 2, 8, and 9 are concerned with public 2-year institutions of higher education.

3. Coverage (MD-03) *(public)*:

a.
- Status of a public institution shall not be changed as to its name or governance except upon the recommendation of the Board (and the approval of the General Assembly), and under specific criteria developed by the Board. (p. 11)
- Boards of Community College Trustees, with the approval of the State Board for Higher Education, upon the recommendation of the State Board for Community Colleges, may establish and maintain one or more community college in their respective subdivisions. (p. 7)
- The State Board for Higher Education shall implement procedures for inter-institutional student transfers, including standards for the reciprocal acceptance of credits. (p. 13)

b.
- The State Board for Community Colleges shall establish general policies for the operation of the state's community colleges, reviewing and advising on proposals for curriculum, establishing new colleges, and modifying existing programs. (p. 18)

c.

d.

e.

f. • The State Board for Community Colleges shall administer the state's program of support and federal monies available to the community colleges. (p. 19)

g.

h.

i.

j.

k. • Guidelines for student tuition and fees and staff salaries are to be considered by appropriate governing boards. (p. 13)
   • The Board shall make recommendations with respect to student financial assistance programs, and coordinate state and federal programs of support for higher education.

4. Administration (MD-03) *(public)*:

a. • The State Board for Higher Education shall serve as the administrative agency for public postsecondary education.
   • The Board of Trustees of the State Colleges shall have the care, control, and management of the property and monies of the state colleges. (p. 21)
   • The Board of Regents shall exercise the powers concerning the responsibility of management of the University.

b. • Proposals for new programs and discontinuance of programs shall be approved by the Board. (p. 12)

c. • Public education agencies and institutions shall submit annual operating budget requests, to be consolidated and presented to the Governor, with the recommendations of the Board. (p. 12)
   • The State Board for Community Colleges shall report annually to the General Assembly on the activities of the community colleges. (p. 19)

MD-06

2. Application (MD-06):

"A degree...may be awarded only by degree-granting institutions. [These are defined as those furnishing instruction leading toward academic or professional degrees beyond the secondary level and requiring satisfactory completion of class, laboratory, or research study in person under a faculty whose members hold appropriate degrees.] ...Unless a degree-granting institution is in operation on 1 June 1961, it shall not award...[degrees, diplomas, or certificates]...until one year after it has filed written notice with and until such notice has received the approval of the State Department of Education...." (p. 2) Institutions in operation on 1 June 1961 need not wait the year for degrees they are awarding at that time. (p. 2)

Exceptions:

a. Resident degree granting institutions may offer annually, in lieu of any notice or amendment thereto, evidence of accreditation by an agency recognized by the State Superintendent of Schools. If the State Department of Education finds that the institution is accredited, it shall not require filing of notices or amendments, and it does not have the authority to inspect the institution or the institution's records.
b. An educational organization that could not qualify as a degree granting institution solely because it does not conduct resident instruction may qualify as such an institution if approved by the State Department of Education based upon standards listed later. (pp. 2-3)

NOTE: See exception related to accreditation.
NOTE: See special provision for non-residence schools.

3. Coverage (MD-06):

a.

b.

c.

d. • For approval, non-residence schools must maintain a suitable and sufficient faculty for instruction in its degree granting program(s). (p. 3)
   • See mention of faculty qualifications in section 2.
e. • For approval, non-residence schools must maintain physical facilities suitable and sufficient to the giving of a program of degree caliber.
f.

g.

h.

i. • See 3n.
j. • For approval, non-residence schools must maintain student records in a safe and suitable place so that there is reasonable assurance they will remain available for normal purposes for a reasonable period of time. (p. 3)

k.

l.

m.

n.
- Neither the fact of filing nor the permission to grant degrees shall be held to mean that the State Department of Education has passed upon the merits of or approved a course or an institution. It is unlawful to make any representation to the contrary. (p. 3)

4. Administration (MD-06):

b.
- Representatives of the State Department of Education may inspect institutions and their records. (Accredited institutions are excepted.) (p. 3)

c.
- Notices shall contain the name and address of the institution; the names and addresses of the president or other administrative head and each member of the governing board; the names of the faculty, with the highest academic degree held by each; a full description of the degree to be awarded and the courses prerequisite thereto; and any additional information prescribed.
- An amendment to the notice shall be filed prior to the award of additional degrees.
- The institution shall keep the notice current at all times. (p. 2)

5. Enforcement (MD-06):

c.
- The Department shall not approve any notice or amendment unless it finds the facts stated therein to be correct and further finds that such facts constitute compliance with the requirements of this subtitle. (p. 2)
- For failure to permit entry, inspection, or examination or obstruction thereof, the Department may invalidate notices filed with it and may refuse to accept another notice until the refusal or obstruction has been withdrawn. This action shall be in addition to other penalties which may be imposed. (Accredited institutions are excepted.)

d.
- Anyone making false statements in a notice or amendment shall be guilty of perjury. Any other violation shall be subject to a fine of not less than $1,000 nor more than $10,000 or imprisonment not to exceed 10 years, or both. Each violation shall constitute a separate offense.
- The State Department of Education, acting by the Attorney General, may proceed by injunction against any violation of this chapter, but no such proceeding and no order shall bar the imposition of any other penalty. (p. 3)

MD-OX-1

2. Application (MD-OX-1):

"No organization shall be known...as a school, university, college, conservatory, academy, or institute except within the approval of the State Superintendent of Schools." (p. 7)

Except:

> "This shall in no way affect organizations in operation as... [such] ...prior to 1 June 1947." (p. 7)
> NOTE: Requirement for designation of local agent for out-of-state schools. See page 3 of regulations and sections 3d and 5c of abstract.

3. Coverage (MD-OX-1):

a.
- No other business shall be conducted on the school premises, nor shall the school offer to the public any other service without approval. (p. 7)
- The school shall be conducted on a commendable level of educational, professional, and business ethics. (p. 8)
- Only the fees specified in these standards may be collected from the public for the services or products of students or instructors. The collection of minor fees may be approved to facilitate practice in training areas. (p. 6)

b.
- Times of courses shall be stated in terms of the proportionate attention to shop or laboratory practice and to theoretical instruction. Lab work shall be integrated with theory. (p. 4)

c.
- Certificates of completion or accomplishment shall be issued upon request of the student at the time of graduation or withdrawal. (p. 6)

d.
- To assure proper supervision, a full-time responsible administrative employee or officer of the school shall be present whenever the school is in operation. If the school is a branch of a school located outside Maryland, a resident agent or director shall be designated and the extent of his authority and responsibilities clearly stated in the application for approval.
- The owner(s) and all employees of the school shall be of good character and repute.
- The minimum qualifications for director of a school shall be high school diploma and 4 years of experience in area of training or 4-year college degree and 2 years of experience. If training is offered in an area in which the director is not qualified, the department head or supervising teacher must be.
- The members of the staff should be adequately prepared in their various fields, and there should be satisfactory evidence of continuing professional competence. (p. 3)
- The maximum class teaching load shall be 30 hours per week. The maximum teacher-pupil ratio shall be 1:25. (p. 4)

e.
- The school shall comply with all local laws with respect to fire hazards, hygiene, floor and air space, ventilation, heat, and lights.
- The building shall be approved by county fire and health departments.
- The type of housing and space available for training shall conform to good school practice and standards as determined by the Maryland State Department of Education. (p. 4)

- The equipment shall be adequate in quantity and variety to provide training specified in course content for the maximum pupil enrollment of the school. (p. 5)

f. ● Adequate financial records showing the school's cash receipts, disbursements, assets, liabilities, and capital shall be maintained. They shall be open for inspection by the State Superintendent of Schools. (p. 7)

g. ● Physical and educational requirements for admission shall be such that students may expect to be able to complete their courses satisfactorily. (p. 5)

h. ● Each school shall issue a printed bulletin giving descriptions and outlines of the various curriculums offered. These shall state in clock hours and in weeks or months the courses' estimated lengths. (p. 4)

- The school shall publish in its catalog or on a separate rate sheet its schedule of tuition rates and methods of payment and shall not deviate from them. (p. 5)
- The school shall furnish the student with information regarding the cost of necessary books, supplies, etc. and shall clearly indicate that these costs and any extra fees are in addition to tuition. (pp. 4-5)
- The form of enrollment contracts and deferred payment plans shall be approved. At the time of enrollment the student shall receive a complete copy of the enrollment contract and any other documents pertaining to enrollment.
- Contracts shall specify the term of enrollment with a maximum of one year. (p. 6)

i. ● Sales representatives should be selected on their ability and integrity and should be given adequate preliminary training.

- The school shall be responsible for statements or commitments made by representatives and should protect itself against loss due to misrepresentation by requiring a cash deposit or surety bond as a guarantee of faithful performance. (pp. 3-4)
- No one shall knowingly solicit students to leave a school nor induce them to change their plans after enrolling in another school. (p. 5)
- The school shall refrain from exaggeration or misrepresentation in any advertising, including statements of representatives.
- The school shall not use "blind" advertisements to solicit students, nor shall it advertise in "help wanted" columns. All advertising shall be done in the school's approved name. Certificates of approval or letters from the State Department of Education related to approval shall not be reproduced for advertising.
- Only regularly employed members of the faculty shall be named in advertising.
- If persons employed as lecturers or demonstrators are mentioned in bulletins or advertising letters, they shall be designated as lecturers or demonstrators.
- If a course prepared by a well-known person is offered by someone else, it shall be clearly indicated that the course is given by a regular staff member. (p. 6)
- The school may advertise endorsements only if it can present written evidence. The date of such endorsements shall be included.
- Positions or careers shall be advertised only if the school is qualified and prepared to offer instruction enabling students to meet the requirements of those positions or careers.
- No organization shall be known or advertised as a school, university, college, conservatory, academy, or institute except with approval.

● Illustrations in all advertising matter shall relate solely to the particular approved school or be clearly designated otherwise.

● Probable earnings must be represented exactly as they are. It is a violation to feature top salaries earned only by a few workers in a particular field. (p. 7)

j. ● The school shall maintain adequate permanent student records of entrance credits, dates of admission and withdrawal, reasons for withdrawals where known, daily attendance, and achievement. (p. 5)

k. ● A premium or special financial inducement for registration will be considered unethical practice.

● Financial aid and scholarships to students may be offered only upon the following bases: (1) loans may be granted to worthy and needy students; (2) financial aid (called work or service scholarships) may be granted provided duties are real and remuneration is not greater than current local rates; and (3) funded scholarships from sources other than current operating budgets may be granted if their value, number, and source is printed in the school catalog, if candidates apply for them in writing, and if they are awarded by the head of the school (or an executive committee) on a truly competitive or merit basis. (p. 5)

● Contracts may be renewed or extended only within 30 days of the expiration date. (p. 6)

● See the third item of 3a.

l. ● Provision shall be made for the student to discontinue instruction and reasonable refunds shall be allowed. Any refund due shall be promptly paid. (p. 6)

m. ● Employment opportunities shall be represented by the school exactly as they exist. Direct or implied guaranteeing of positions will be considered a violation. The school shall take no credit for placements made through licensed employment agencies.

● Placement activities shall be arranged free of charge to students or graduates. (p. 7)

n. ● The enrollment limitation specified in the school's approval must be strictly adhered to. Enrollment rather than attendance shall determine whether this standard has been violated. (p. 5)

● The books and other materials for which the student pays shall become the property of the student. (p. 6)

● Public liability insurance, property damage insurance, and workmen's compensation insurance in the amounts of at least standard underwriting limit shall be carried by the school from an approved company. The liability insurance shall specifically protect students, and evidence of it shall be submitted. (p. 7)

4. Administration (MD-OX-1):

a. ● Application for approval shall be made to the State Superintendent.
b.

c. ● In making application, schools shall use forms provided and include such additional information as may be reasonably required. (p. 2)

● Approval is limited to the location and courses for which application has been made. Approval for additional courses or locations shall be made in the manner directed by the Superintendent.

● If required by the Superintendent, such data as the education, training, and experience of administrative, supervisory, and instructional staff shall be submitted. Data should be submitted before hiring, but must be submitted within 30 days. (p. 3)

- Data on sales representatives shall be submitted before their employment.
- A detailed outline of each course shall be submitted for review and approval. Aims, scope, standards of attainment, and teaching procedures shall be clearly indicated. A copy of each textbook used and a list of required and recommended reading shall be included. (p. 4)
- An annual report shall be submitted on the form provided.
- The Department shall be notified of any proposed change in the personnel of the school, the courses offered, or the school quarters. (p. 8)

d.

e.

f. • New schools may be approved tentatively for a period of 6 months. (p. 2)

g. • The certificates of approval of a school may not be sold, transferred, or pledged. (p. 3)

5. Enforcement (MD-OX-1):

c. • Lack of proper authority on the part of the resident agent of an out-of-state school shall be considered sufficient reason for denying an application for approval or for revoking a certificate of approval. (p. 3)
- The existance of an unsatisfied judgment against the school or its owners shall be considered sufficient reason for denial or revocation. (p. 7)

MD-01-1

See note preceeding section 2 of MD-01-2.

2. Application (MD-01-1):

The Maryland State Board of Education will consider for accreditation as a two-year college any institution which offers at least one or more approved two-year associate degree curricula to students who have graduated from an accredited high school, who have received a High School Equivalence Certificate, or who have otherwise demonstrated ability to enroll in degree curricula. Exception for individual students are possible. (Two-year degree curricula are designed either for transfer credit or as preparation for immediate entry into some occupation.) Certificate programs consist of at least 12 and generally less than 60 semester hours. They carry the same performance and academic requirements as do degree programs. (pp. 2-3)

3. Coverage (MD-01-1):

a. ● The recommended number of members of the Board of Trustees is 7 to 13. (p. 10)
   ● The effectiveness of the administration will also be judged by the extent to which students and faculty are permitted to participate in policy making in matters directly affecting them. (p. 9)

b. ● The recommended amount of basic college studies for associate degree programs is 15 semester hours in the humanities, natural sciences and mathematics, and the social sciences. The major portion of this liberal arts component must be evenly distributed between the arts and sciences which are not directly supportive of the area of concentration. Physical education should also be included as part of any degree program. (p. 6)
   ● No more than three 50-minute periods of laboratory work should be required for one semester-hour of credit. (p. 7)

c. ● No fewer than 60 nor more than 70 semester hours of college credit (exclusive of basic physical education and orientation to college) and a C average are required for graduation in both degree and certificate programs. (p. 8)

d. ● For teachers of certain specialized, technical, or vocational courses, the highest educational requirements will be compatible with teaching assignment, practical experience being given special consideration. (p. 7)

e. ● It is desirable to allocate at least 5% of the overall budget to the library. (p. 8)

f. ● To award the associate degree, an institution must have resources of $300,000 beyond all indebtedness before it may commence operation. (p. 10)

g. ● In addition to admitting students who satisfy entrance requirements, a two-year college may also admit others who give evidence of being able to derive personal benefits from the offerings.
   ● Before admitting students to a transfer curriculum, the college should assure itself and the students that their high school preparation, along with the courses taken at college, would qualify them for admission with advanced standing into the program and college they plan to transfer to. (p. 6)

h. • For every course taught, there should be available a clear and current statement including at least: (1) specific objectives; (2) scope, including content, outline, and bibliography; (3) sequence; and (4) instructional procedures. (p. 8)

n. • Until a two-year college receives authorization to confer its first associate degrees, it will be expected that at least 75% of the FTE students will be enrolled in programs leading to the associate degree (i.e., during at least the first two years of operation major emphasis is placed upon associate degree programs). (p. 6)

4. Administration (MD-01-1):

c. • The State Department of Education must be kept informed of expenditures from the school's reserve fund. (See 3f.)

• A copy of the financial audit (see 3f) must be submitted. (p. 10)

d. • A school must request authorization to graduate its first class or confer its first degree at least 6 months before graduation exercises.

f. • Prior to graduating its first class, the college will be considered as operating under a provisional approval. (p. 11)

5. Enforcement (MD-01-1):

c. • Failure to inform of expenditures from the reserve fund (see 3f and 4c) may result in withdrawal of state approval of the college. (p. 10)

MD-01-2

NOTE: MD-01-1 and MD-01-2 are very similar. Provisions of MD-01-2 that are not in MD-01-1 are underlined. The abstract of MD-01-1 contains only those major provisions that are different from or not included in MD-01-2.

2. Application (MD-01-2):

The Maryland State Board of Education will consider for accreditation as a four-year college any institution which offers at least one approved four-year curriculum to which admission is open to students who have graduated from an accredited high school or who have received a High School Equivalence Certificate. Two-year divisions of four-year schools should be distinct. (p. 1)

3. Coverage (MD-01-2):

a.
- An institution of higher education should publish a clear statement of purpose and objectives. There should be evidence that these are understood and accepted by the faculty and that the faculty has had a role in their formation. (p. 2)
- The effectiveness of the administration will be judged partially by the efficiency with which the educational program is carried on, the care with which announced policies are adhered to, and the adequacy of the provisions for cumulative records and for health, guidance, and placement services for students.
- The functions of trustees, faculty, and staff administrative officers should be clearly defined with evidence that operation is consistent with the plan. (p. 4)
- A board of trustees of from 7 to 20 or 25 members is recommended. There should be no conflict of interest or personal gain on the part of members. (p. 5)

b.
- See the first item of 3a.
- The educational program should include a substantial amount of basic college studies in the arts and sciences. A basic program drawing upon the humanities, natural, and social sciences should be at least 40% of the total program.
- The institution should offer instruction enabling students to receive intended benefits. The quality, scope, and results of programs will be judged by such criteria as the success of graduates in colleges to which they transfer, the occupations they enter, and their performance on standardized tests. (p. 2)
- The curriculum should represent a well-planned sequence designed to achieve the purposes and objectives. The institution should show clearly that the published curriculum is effectively administered for individual students. The number of curricula offered should be determined by the size and the educational objectives of the institution.

c.
- The institution must adhere to stated requirements in the awarding of degrees and certificates of progress.
- For a baccalaureate degree, 120 semester hours and a grade of "C" should be required.
- The giving of a variety of degrees especially at small schools is discouraged.

- Usually at least 30 semester hours of credit should be earned at the institution awarding the degree. (p. 3)

d.
- Faculty should be thoroughly prepared by education and experience. Minimal preparation should ordinarily be a master's degree. The head of a department should have a doctorate. A substantial portion of course work should be taught by full-time faculty.
- The size of classes and teaching loads should promote effective learning. Teaching loads should not exceed 15 semester hours. Twenty-two contact hours should be the maximum for laboratory-type courses. (p. 2)
- Administration staff should be educationally competent, morally responsible, and responsive to the needs of student, faculty, and community. (p. 4)

e.
- Laboratory facilities appropriate to objectives must be provided. The following factors will be used in judging the library: actual use by students and faculty; the way the library supports objectives; the number, variety, and up-to-dateness of books, periodicals, and newspapers; the professional preparation of staff; the adequacy of staff and effectiveness of administration; the sufficiency of space for quiet study and leisure reading; the accessibility of materials; the amount of annual appropriation for new books; the method of their selection; and the extent of resources assigned to media other than the printed word.
- Modern laboratories and other special facilities necessary for objectives must be provided. (p. 3)
- The physical plans and standards of maintenance should enable accomplishment of purposes. (p. 5)

f.
- Resources from tuition and other sources must be adequate to accomplish stated purposes, and employ and retain competent instructors and executives even though enrollment is occasionally down. (p. 4)
- Income must be spent to provide adequately for instruction, administration, maintenance, equipment, and support. (pp. 4-5)
- Expenditures for recruitment of students should not be disproportionately large.
- If a school plans to grant baccalaureate degrees, it must have resources of at least $500,000 beyond indebtedness before it can receive approval to commence operation.
- There must be an annual audit by a properly qualified, independent auditing agency which should give a detailed and accurate picture of the institution's financial status. (p. 5)

g.
- Only students meeting entrance requirements should be admitted. Completion of high school should ordinarily be required. (p. 2)

h.
- For every course taught, there should be available a clear statement including at least: specific objectives, major topics or activities, bibliography, instructional methods and aids, and special reports or honor projects. (p. 3)
- The catalog and other announcements shall accurately describe the institution and its actual offerings. The catalog should include: a full roster of the official board of control; a list of faculty including degrees and where granted; a calendar of the academic year; a statement of the origin and objectives of the institution, and the entrance and graduation requirements; an itemized statement of student costs; specific information concerning scholarship funds and opportunities for partial self-support; a description of the location, buildings, grounds, and equipment; a description of each course to be offered during the year and a clear indication that a particular course will not be offered during the year.

i. ● Material designed primarily for publicity purposes should be published separately and should be fully consistent with the catalog.
j. ● See the second item of 3a.
k. ● The financial programs of all extracurricular activities supported by student fees should be properly audited and publicized.
l.

m. ● See the second item of 3a.
n. ● The institution should provide opportunities for a well-regulated program of such student activities as are necessary to meet the cultural, social, physical, and health needs of its students. (p. 4)

4. Administration (MD-01-2):

a.

b. ● A formal evaluation of progress will be made by the State Department of Education not later than 5 years after receipt of final approval and regularly thereafter at 5-year intervals, or more often.
c.

d. ● To graduate its first class of students or confer its first baccalaureate degree, the college must request authorization of the State Board of Education at least one academic year before. Approval is considered final approval or state accreditation.
e.

f. ● Prior to graduating its first class of students, the college or university will be considered as operating under an initial approval. (p. 6)

MASSACHUSETTS

1. Identification

MA-01

Chapter 69, Section 30 - Approval of Articles of Organization or Certificates of Change of Purpose of Certain Educational Institutions; 30A - Power of Educational Institutions to Grant Degrees Revocation or Suspension Thereof

Effective date:

Stated purpose:

Basic effect: Requires approval by the Board of Higher Education for use of the terms "college," "university," or "junior college" or for the power to grant degrees before the Secretary of State can approve either a certificate of organization of a proposed educational institution or articles of amendment to the charter of an existing institution.

Basic coverage: Private degree granting

NOTE: Although there are no regulations for MA-01, the Board of Higher Education has developed procedures for review of and determinations on petitions. These procedures cover the information that must be submitted and the preparation of a binding recommendation to the Secretary of State based on an examination by a visiting committee. Special guidelines for proprietary institutions are included.

MA-03

Chapter 266, Section 89 - Falsely Pretending to Hold a Degree, etc. or Granting Degrees without Authority; Use of Word "University" or "College"

Effective date:

Stated purpose:

Basic effect: Sets penalties for conferring degrees or using the terms "university" or "college" without authority.

Basic coverage: Public and private degree granting

MA-09

Chapter 69, Section 31 Junior Colleges - Conditions for Approval of Articles of Organization or Articles of Amendment for Change of Name or Change of Purpose; and Sections 31A and 31B

Effective date:

Stated purpose:

Basic effect: Sets forth standards junior colleges must meet for the State Board of Higher Education to approve authority to grant junior college degrees or to approve use of the term "junior college." Requires defunct institutions to transfer records to the Board.

Basic coverage: Private degree granting (2-year institutions only)

MA-04

Amendment to Chapter 69, Section 31A

Enacted: 20 October 1975

Stated purpose:

Basic effect: Expands basic prohibition of MA-09. Prohibits awarding degrees or conducting courses in Massachusetts without the approval of the Board of Higher Education.

Basic coverage: Private degree granting (2-year institutions only)

MA-05

Chapter 75D - Private business schools

Effective date: 1 July 1972

Stated purpose:

Basic effect: Requires licensing of private business schools and their agents. Requires bonding for both schools and agents. Requires course approval.

Basic coverage: Private non-degree granting

MA-06

Chapter 674 - An act extending the law relative to private business schools...

Approved: 1 August 1974

Stated purpose:

Basic effect: Adds medical assistant, dental assistant, or nursing assistant skills, and tractor-trailer operating skills to the list of those skills that define a private business school regulated by MA-05.

Basic coverage: Private non-degree granting

No further abstract prepared.

MA-05-1

Rules and regulations governing private business schools

Effective date:

Stated purpose:

Basic effect: Further defines authority, reporting requirements, and advertising standards for MA-05.

MA-07

Chapter 460 - An act regulating the termination of certain personal service contracts... (Section 13K of Chapter 255 of the General Laws)

Approved: 3 July 1974

Stated purpose:

Basic effect: Requires that enrollment contracts for certain schools contain specific language regarding termination and refund rights and procedures.

Basic coverage: Private non-degree granting

MA-10

Chapter 15: Department of Education

Effective date: 1965

Stated purpose: "...to support, facilitate, and delineate functions and programs for public institutions or of higher education in the commonwealth segments of such institutions, to allocate to them the responsibility and autonomy to discharge such functions and programs, and to plan and develop efficient and effective coordination among them;...." (p. 112)

Basic effect: Creates the Board of Higher Education within the Department of Education to coordinate and plan the growth of public higher education, designates the Chancellor as the chief executive of the Board, authorizes the Board to administer a scholarship program, and to have wide administrative authority over public higher education.

Basic coverage: Public degree granting

MA-11

Chapter 15: Regional Community Colleges

Effective date: Includes amendments through 1971

Stated purpose:

Basic effect: Establishes the Board of Regional Community Colleges in the Department of Education and stipulates that their powers and duties shall include the determination of educational need, the development and execution of an overall plan, and the establishment and maintenance of regional community colleges, subject only to the general authority of the Board of Higher Education.

Basic coverage: Public degree and non-degree granting (2-year institutions)

MA-08

General Laws, Chapter 93, Sections 21-21D. An act Defining and Further Regulating Private Trade Schools

Effective date: 1 November 1941; most recently revised in 1963

Stated purpose:

Basic effect: Requires licensing of private trade schools.

Basic coverage: Private non-degree granting

MA-08-1

Rules and regulations governing private trade schools

Effective date:

Stated purpose:

Basic effect: Further defines reporting requirements, and standards for instructors and advertising for MA-08.

MA-02

Special Provision for Industrial, Technical, Agricultural, and Vocational Schools Concerning Degree-Granting Authority (Section 37A, Chapter 74)

Effective date:

Stated purpose:

Basic effect: Authorizes Board of Higher Education to approve plans of secondary level industrial, technical, agricultural, or vocational schools to offer postsecondary courses and appropriate public funds for them. Permits use of term "technical institute" and, with approval, the granting of the Associate in Applied Science degree.

Basic coverage: Public degree granting (technical institutes, associate degrees only)

NOTE: Although there are no regulations for MA-02, the Board of Higher Education has developed procedures for approving these special institutions to grant degrees and use the terms mentioned above. Joint-degree programs are preferred. Review processes by both the Board of Education (for Chapter 74 institutions) and the Board of Higher Education (for the community college) are stated. Appropriateness of joint programs will be determined by the ability of the community college to provide general education courses and necessary supporting services to students in the technical level institutions. Also provided are procedures whereby Chapter 74 institutions may be authorized to grant associate degrees independently. (These procedures are similar to those for private colleges included in MA-01.)

d.

e.

f.

g. • In acting upon articles or certificates, the Board shall give a public hearing, notice of which shall be published once a week for 3 weeks in two newspapers. (p. 6)

5. Enforcement (MA-01):

a. • The Board of Higher Education may deny approval or suspend or revoke an institution's power to grant degrees.
   • In cases of the Board's denial of approval, the State Secretary shall refuse to endorse his approval on the institution's certificate or articles.
   • In cases of denial, the applicant may appeal to the superior court.
   • The Board must inform the State Secretary of suspensions or revocations.

b.

c. • If the Board disapproves a certificate or articles, it shall submit to the State Secretary a report detailing its reasons.
   • See 5a, item 4 regarding appeal of denials.
   • The Board may, after a hearing, revoke or suspend the power of an institution to grant degrees if it has reason to believe the institution does not comply with set standards.
   • The hearing proceedings shall be deemed to be adjudicatory proceedings.
   • Reference to a law governing such proceedings and exceptions to procedures in this law are included. (p. 7)

d. • See MA-03 regarding penalties.

MA-01

2. Identification (MA-01):

See MA-03 for basic prohibition.

Institutions seeking authority to use the terms "junior college," "college," or "university" in their title and/or authority to confer degrees are regulated by this law. (p. 6)

3. Coverage (MA-01):

See 4a and 4b for references to 3b, 3d, 3e, and 3f.

i.
- A junior college whose name does not include the term "junior" may be approved, provided its charter requires that a descriptive phrase which distinguishes it from a senior college is used with its name on official documents and publications. (p. 6)
- See Section 2 for restrictions on use of terms "junior college," "college," or "university."

4. Administration (MA-01):

a.
- Before approval, the State Secretary shall refer to the Board for Higher Education the certificate of organization for, or the articles of amendment to, the charter of an educational institution which desires power to grant degrees or use the terms junior college, college, or university in its name.
- The Board shall investigate the institution, determine whether the certificate or articles shall be approved, and report to the State Secretary.
- If the Board decides to disapprove, it must submit a report.
- The State Secretary endorses approval, subject to the approval of the Board.
- The Board of Higher Education shall establish standards relative to faculty, equipment, courses of study, financial organization, facilities, physical plant, and leadership which shall apply to any educational institution for which the Board has approved the certificate or article. (pp. 6-7)

b.
- Upon receipt of a certificate of organization from the State Secretary, the Board makes an investigation as to the purposes of the institution and any other material facts.
- In the case of a proposed amendment to the charter of an existing educational institution which will give it power to grant degrees or change its name, the Board shall make an investigation of the institution, its faculty, equipment, courses of study, financial organization, leadership, and other material facts. (p. 6)
- For the purpose of determining evidence of improvement and growth, the Board shall make periodic inspections of institutions within the 12 years following its approval of their certificate or articles. (p. 7)

c.

MA-09

2. Application (MA-09):

See MA-04 for the basic prohibition. See the introduction to Section 3 below for type of institution (private, junior colleges).

3. Coverage (MA-09):

The "...board of higher education, in acting upon the certificate or organization in connection with the proposed incorporation of a junior college, with power to grant degrees, or in acting upon articles of amendment to the charter of any existing educational institution which will give it power to grant junior college degrees or provide for a descriptive phrase...[see 3i of MA-01]...or changing its name to...include the term "junior college," shall not approve such certificate or articles unless [13 conditions summarized below are met]." (p. 8)

a.
- The institution is organized as an educational institution and has operated as such for at least 1 year. (p. 8)
- If the institution intends to operate a junior college and a preparatory school under the same administration, provision is made for separating the two divisions. (p. 9)

b.
- The institution is offering instruction on a level and to a degree of thoroughness above secondary school level and below that of advanced senior college specialization.
- It is offering either a 2-year course equivalent in content, scope, and thoroughness to the general education offered at standard 4-year colleges and universities, or a 2-year terminal course of vocational or semi-professional training designed to provide reasonably proper instruction, or both. (pp, 8, 9)
- The institution, if seeking to provide a program equivalent to the first 2 years of the standard college program, offers work in at least five separate departments: English, mathematics, foreign languages, natural sciences, and social sciences. (p. 9)

c.
- Graduation requires satisfactory completion of 60 semester hours exclusive of physical training and exercise. Where necessary, semester hour equivalents must be provided. A definition of "semester hour" is given. (pp. 8-9)

d.
- The faculty consists of teachers with adequate preparation and successful experience in their training fields.
- In academic courses, a high percentage of the instructors have completed 1 year of advanced study beyond the baccalaureate.
- In terminal courses, instructors are able to provide evidence of a high degree of proficiency in their special fields. (p. 8)
- Teaching does not exceed 18 hours weekly.
- Classes are ordinarily limited to 30 students and the ratio of students to instructors above the level of assistants is not unreasonably excessive.

e.
- The institution has an adequate library, adequately housed and properly cataloged, has an adequate supply of periodicals including journals if

MA-03

2. Applications (MA-03):

"Whoever...pretends to have been an officer...teacher, or...graduate or to hold any degree, of a college...of this commonwealth or elsewhere,...or of a public school...and whoever, without having lawful authority to confer degrees, offers...degrees...shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both. Any individual, ...or institution of learning, not having lawful authority to confer degrees, using the designation of "university" or "college" shall be punished by a fine of one thousand dollars...." (p. 12)

"...this shall not apply to any educational institution whose name on July ninth, nineteen hundred and nineteen, included the word 'university' or 'college.'" (p. 12)

3. Coverage (MA-03):

i. • See above for limitations on use of terms "university" or "college."

5. Enforcement (MA-03):

d. • See above for penalties.

appropriate, and has a satisfactory annual appropriation for its continued maintenance.
- Laboratories, when necessary, are adequately equipped with sufficient space and suitable apparatus to meet the educational objectives of the institution.
- The material equipment of the institution, including lands, buildings, classrooms, and dormitories, is sufficient to insure efficient operation, and its physical plant provides safe, sanitary, and healthful conditions, as judged by modern standards.
- Separate student housing is maintained for junior college and secondary students. (p. 9)

f.

g. • Satisfactory completion of a secondary program or its equivalent is the basis for admission.

4. Administration (MA-09):

a. • The State Board for Higher Education approves certificates or articles.
b. • The school shall have operated as an institution above secondary but below senior college level for at least 1 year prior to filing a petition to use the term junior college in its name or to award degrees. (p. 8)

MA-04

2. Application (MA-04):

"No educational institution chartered, located, offering courses, or otherwise doing business within the commonwealth, shall award degrees...unless authorized to do so...; nor shall any...institution...organized in another state conduct within the commonwealth any courses...leading to the award of a degree, unless such educational institution has received...approval."

4. Administration (MA-04):

a. ● The Board of Higher Education shall be responsible for the implementation of the provisions of this section.

2. Application (MA-05):

"No private business school shall operate in the commonwealth unless licensed...." (p. 1) "No representative of any private business school, which is located within or without the commonwealth, shall, at the residence of any prospective student, solicit enrollments or sell courses therein, make representations or give counsel concerning the educational content or quality of or the benefits to be derived from courses in such school unless licensed...." (p. 4)

Private business school shall mean a school maintained or classes conducted for profit or by charging tuition, for the purpose of teaching business administration, accounting, data processing, computer operation, secretarial skills, sales techniques or social skills, habits or customs, and any other private business school not regulated by any agency of the commonwealth. (See MA-06 for additions to this list.)

The term shall not include:

a. a school or college regularly chartered and authorized by the commonwealth to grant degrees, or
b. a school conducted by a person for the education of his own employees. (p. 1)

NOTE: See 3i, item 2.

3. Coverage (MA-05):

a.

b. ● See 4c.
c.

d. ● See 4c and 5c.
e. ● See 4c and 5c.
f. ● No school's license shall be issued until the prospective licensee shall furnish a bond, with acceptable surety, for $25,000.
   ● No representative's license shall be issued until a bond of $1,000 shall be furnished. (p. 6)
   ● See 4a, b, and c regarding the state auditor's certification of financial capability.
   ● See 5c.
g.

h. ● See 4c.
i. ● Applicants for agents' licenses must be of good moral character. (p. 4)
   ● No private business school shall represent that it is an accredited school unless it has been accredited by a USOE-recognized national or regional accrediting agency.
   ● No private business school shall engage in untrue, deceptive, or misleading advertising.
   ● See 4c regarding submission of all advertising copy. (p. 5)
   ● See 3f regarding bonding of representatives.

4. Administration (MA-05):

a.
- The Commissioner of Education licenses private business schools. (p. 1)
- Persons desiring licenses shall submit financial information to the State Auditor who certifies to the Commissioner that the applicant is financially qualified to operate a private business school. (p. 2)
- The Commissioner shall approve each separate course of instruction offered by a licensee according to such standards or guidelines as he or she may establish. (p. 3)
- The Commissioner may adopt, amend, or revoke regulations necessary to carry out this chapter. (p. 5)
- A three member advisory board composed of persons holding managerial positions in private business schools in the Commonwealth shall be appointed by the Commissioner to advise him or her on matters relating to private business schools. (p. 1)

b.
- The State Auditor investigates applicants to determine that they are financially qualified to operate a private business school. (p. 2)
- The Commissioner investigates to determine if the applicant is qualified to operate a private business school. (p. 3)
- The Commissioner investigates to determine if applicants for representatives' licenses are qualified and of good moral character. (p. 4)

c.
- Schools desiring to operate within the Commonwealth must submit to the State Auditor, on forms provided, such financial information as required, including, but not limited to: (1) ownership and organization of the school; (2) the financial condition of the school; and (3) the form and content of the student enrollment agreement. (p. 2)
- Applicants who have been granted initial approval by the State Auditor shall submit to the Commissioner, on forms provided, required information including, but not limited to: (1) the training and experience of instructors; (2) the building facilities and equipment; (3) the form and content of courses; (4) the particular field of instruction; and (5) the form of any contract or agreement to be executed by a prospective student. (pp. 2-3)
- Since the Commissioner approves courses, a licensee shall submit course changes, improvements, and modifications. (p. 3)
- Representatives shall submit, on forms provided, information setting forth: (1) the applicant's name and address; (2) his or her educational qualifications; (3) the name and address of three business references; and (4) the same for three personal references. (p. 4)
- Each school shall submit for the Commissioner's approval, at least 10 days prior to publication, a copy of all advertising. (p. 5)

d.
- School licenses, course approval, and representatives' licenses are valid for 1 year from date of issue. (pp. 3, 5)

e.
- School license fees are $100. Renewal is $50. (p. 1)
- Representatives' license fees are $20 and renewal is $10. (p. 4)

f.

g.
- The Commissioner shall maintain a current list of licensed private business schools and their representatives. This list shall be a public record. (p. 5)

5. Enforcement (MA-05):

a.
- The State Auditor may refuse an application for a school license. (p. 2)

- The Commissioner may refuse to issue a school license or may revoke or suspend one.
- The Commissioner may revoke or suspend course approval. (p. 3)
- The Commissioner may refuse to grant a representative's license. Such a license may not be revoked. (pp. 4-5)

b.

c.
- If the State Auditor finds that an applicant is not financially responsible and qualified to operate a private business school, he shall refuse to approve the application and state his reasons in writing. (p. 2)
- If the Commissioner finds that the applicant is not qualified to operate a private business school, he shall refuse to issue a license and state his reasons in writing. The applicant shall be entitled to a hearing before the Commissioner and judicial review, subject to provisions of another chapter (Chapter 30A). (p. 3)
- School licenses may be revoked or suspended, subject to the provisions of Chapter 30A, if the Commissioner finds that the licensee or any of its representatives: (1) is no longer qualified to operate or serve as a representative of a private business school; (2) has violated any provision of this chapter or any regulation adopted; (3) cannot reasonably be expected to perform commitments to its pupils because of inadequate funds or equipment or because of a lack of qualified instructors; (4) has refused to permit inspection of buildings or equipment or has failed to make available within a reasonable time any information that pertains to the operation of the school; or (5) has failed to provide or maintain premises or equipment in a safe or sanitary condition. (pp. 3-4)
- Course approval may be revoked or suspended if the Commissioner finds that its form or content substantially differs from established standards or guidelines. (p. 3)
- The Commissioner may refuse to issue a representative's license if he finds that the applicant is not qualified. Reasons shall be stated in writing. The applicant shall be entitled to a hearing before the Commissioner and judicial review, subject to the provisions of Chapter 30A. (p. 4)

d.
- Persons who operate a school without a license or during the suspension or revocation of a license or who act as a representative of a school without being licensed shall be punished by imprisonment up to 6 months, by a fine up to $1,000, or both.
- No agreement between an unlicensed school or its representative and a pupil shall be enforceable in any court in the Commonwealth. (p. 5)
- A pupil who is mislead by an officer or representative of a school or by an advertisement or circular issued by the school which was untrue, deceptive, or misleading may recover treble damages or $1,000, whichever is greater, plus court costs and reasonable attorney's fees.
- The liability of the surety on the bond shall be limited to indemnifying the claimant only for actual damages.
- Each bond shall be conditioned to provide that the obligor shall satisfy all judgments rendered against it in actions by students to recover damages resulting from fraud or misrepresentation used in procuring enrollment or from a breach of contract.
- The aggregate liability of the surety for all breaches of conditions of the bond shall not exceed the sum of the bond.
- Bonds shall not limit or impair any right of recovery otherwise available pursuant to law, nor shall the amount of the bond be relevant in determining the amount of relief to which any plaintiff may be entitled. (p. 6)

MA-05-1

3. Coverage (MA-05-1):

- a.
  - A private business school shall be organized and conducted only as a school. If located in a commercial establishment, it shall be self-contained and apart.
- b.
  - Courses of study must be acceptable to the Department of Education. (p. 3) See 4c regarding information schools must submit so the Department may make specific determinations.
- c.
  - See 4c.
  - A certificate or diploma shall contain the name of the course and a statement of the student's competency in the course.
- d.
  - See 4c.
- e.
  - Before school licenses are issued or renewed, the building housing a school must be approved by a division of the State Department of Public Safety, and by the local Building Department.
  - In addition, the premises must be inspected by the local Fire Department.
  - If explosives or inflammable compounds or liquids are used in training, approval, as required by state law, must be secured from the local licensing authority.
  - A private business school shall not be conducted in a private residence.
  - See 4c regarding the requirement for filing descriptions of all instructional equipment.
- f.
- g.
- h.
  - The standard tuition rate shall be published in the school literature.
  - Any discounts for cash payment in advance shall be clearly indicated in the school literature. (p. 3)
  - The length of the course shall be outlined in the school catalog. (p. 2)
- i.
  - Schools may advertise under their licensed names only. (p. 1)
  - The school may not advertise or imply that it is supervised, recommended, endorsed, etc. by the Department. Specific wording for advertising licensure is given.
  - The school shall not solicit students in the "Help Wanted" or other employment columns. Neither shall the school solicit through "blind" advertisements.
  - No school may advertise that it is endorsed by manufacturers or others until written evidence of this fact is presented and accepted by the Department.
  - No school shall understate the length of time required to train students.
  - No school, in its advertising or through its representatives, shall guarantee or imply the guarantee of employment. No school shall guarantee any certain wage per hour. (p. 2)
  - Any quotation to the student as to cost of supplies, books, equipment, other materials, or other fees shall be apart from and unassociated with the cost of tuition.
  - See 4c regarding the requirement to file advertising.
- j.
  - If diplomas or certificates are granted, adequate records of the student's experience and scholarship shall be kept and shall be open to inspection by the Department.
- k.
  - There shall be no deviation from the published tuition rate or any discount other than for cash payment in advance. (p. 3)

4. Administration (MA-05-1):

a.
- After financial certification has been granted by the State Auditor, the Division of Occupational Education in the State Department of Education furnishes forms and receives applications for school and representative licenses and for persons desiring approval to be on the faculty of a private business school.
- Licenses are issued and renewed by the Commissioner of Education. Notice of changes in name, address, or quarters of a school are given to the Department of Education for approval.

b.

c.
- Any person desiring to be on the faculty of a private business school shall submit a completed application for approval, on forms provided.
- A license is not transferable.
- All conditions under which a license is issued shall be in full force during the term of the license. Proposals for changes or departures shall be submitted with the application for renewal. (p. 1)
- See 4a regarding changes in name, address, or quarters.
- The names of the owners of the school, with home address and other information requested, must be on file.
- Changes in ownership must be filed with the Department and the State Auditor within 5 days. (pp. 1-2)
- If the school is owned by a corporation, the names of the officers of the corporation, a statement as to the number of shares held by each officer, and any changes in the officers must be filed with the Department and the Auditor.
- The name, home address, and other information requested by the Department or the local director or manager of a school must also be on file.
- See 3i regarding filing written evidence of endorsements.
- All catalogs, folders, circulars of courses, student receipt blanks, enrollment or application blanks, letterheads, form letters, or other advertising now or hereafter used shall be filed previous to distribution.
- Each school shall file a list of courses advertised and offered with tuition charges. As courses are discontinued, notice and effective date of change must be given within 10 days. (p. 2)
- Information covering courses shall be submitted in sufficient detail to enable the Department to determine the proposed aim, scope, content, and order of presentation of content of each course. A description of all equipment available for instruction in each course shall be filed.
- Each school shall file its requirements for a certificate or diploma, stating length of course, subjects, etc.
- Each school applying for renewal shall file an annual report, in such a form as the Department may describe, not later than 30 days prior to expiration of license.
- Notification of a change in published tuition rate shall be given to the Department 30 days before the change. (p. 3)

MA-07

2. Application (MA-07):

"Every written contract between a trade school, vocational school, technical school, correspondence school, dance studio, dance school, professional or proprietary school, and any person who is to receive physical, mental or emotional benefit therefrom shall contain...notice...." (p. 1)

This section shall not apply to nonprofit and public schools.

3. Coverage (MA-07):

h.
- Notice, worded as specified, shall be contained on the front side of the contract above the place for the student's signature in twelve-point extra bold face type and in capital letters.
- The notice states that the student may terminate the agreement at any time, outlines the refund policy (see 31), requires the student to inform the school in writing of termination, and explains that termination becomes effective on the day it is mailed.
- A list of non-refundable administrative costs is attached to the enrollment agreement and made part of it.

i.

j.

k.

l.
- The refund policy specified in the notice is pro rata, based on the amounts paid for the entire course and on the amount of time attended. However, students are also responsible for actual reasonable administrative costs not to exceed $50 or 5% of the contract price, whichever is less. (p. 1)

5. Enforcement (MA-07):

d.
- Whoever fails to comply with this section shall be deemed to have committed an unfair and deceptive trade practice under another law.
- Whoever violates provisions of this section shall be punished by a fine of up to $1,000, by imprisonment up to 6 months, or both. (p. 2)

MA-08

2. Application (MA-08):

"No person shall operate or maintain a private trade school unless he is licensed...." (p. 4)

Private trade school means a school maintained or classes conducted for the purpose of teaching any trade or industrial occupation for profit or for tuition charged.

Not included are:

a. Private business schools.
b. Schools or colleges regularly chartered and authorized to grant degrees.
c. Endowed schools which offer approved courses without profit.
d. Schools exclusively engaged in training the physically handicapped.
e. Schools conducted by any person for the education of his own employees.

3. Coverage (MA-08):

Licenses shall not be issued until the proposed standards, methods of instruction, equipment, housing, training and experience of teachers, form and contents of the student enrollment agreement or contract, and the method of collecting tuition shall have been approved.

a.

b. ● See above.
   ● In the licensing of new schools or the acceptance of new courses, the requirements for courses in the apprenticeable skilled trades shall be determined by the Board of Education with advice of the Department of Labor and Industries.
c. ● See above.
d. ● See above.
e. ● See above.
f. ● No license shall be granted unless the school possesses a sound financial structure with sufficient resources for its proper use and support.

g.

h. ● See above.
i. ● See 4c.
j.

k. ● See above.

4. Administration (MA-08):

a. ● The Commissioner of Education issues licenses, approves schools (see Section 3, introduction) and determines if they are financially sound. (See 3f.)

- The Commissioner may adopt, alter, and amend rules and regulations governing private trade schools and their licensing.
- See 3b, item 2.

b.

c. • Licenses shall not be issued until the school files all its current advertising with the Commissioner. After licensure, the school shall file from time to time all advertising it uses.
- Each person operating a private trade school shall make an annual report to the Commissioner.

d. • Licenses run for 1 year from date of issuance.

e. • Fee for original licenses is $100; for renewal it is $50.

5. Enforcement (MA-08):

a. • The Commissioner of Education may, after reasonable notice and a hearing, suspend or revoke licenses.

b.

c. • The Commissioner has the power to require by summons the attendance and testimony of witnesses and the production of books and documents, and to administer oaths.
- Any person aggrieved by refusal to grant or renew a license, or by revocation or suspension shall be entitled to have the reasonableness of such action reviewed by a justice of the Superior Court whose decision shall be final.

d. • Whoever operates a school in violation of this law or any rule or regulation related to it shall be punished by a fine between $25 and $500. (p. 4)
- Any pupil who is defrauded by a misrepresentation made by an officer or agent of a private trade school, by any advertisement or circular issued by it, or by the seller of textbooks to the pupil or school may recover in contract from the school or person three times the amount paid. (p. 3)

MA-08-1

NOTE: The text of MA-05-1 was repeated in MA-08-1 except for some additions and some small changes. Only the changes and additions are abstracted below. See MA-05-1 for the rest of an abstract of MA-08-1.

3. Coverage (MA-08-1):

a.
- See 3i.
- Schools are not permitted to be conducted in a manufacturing or commercial establishment. (p. 8)

b.

c.

d.
- See 4c.
- All instructors must be competent in the subject taught and have had satisfactory experience in that course.
- In trades in which licenses are required, all instructors shall possess the proper legal license.
- Instructors must give satisfactory evidence of having completed at least two semester hours of approved training in methods of teaching. (p. 7)

e.
- See 3a, item 2.

f.
- See 4c regarding filing of financial condition statements.

g.

h.

i.
- Schools shall not advertise that their agents are "supervised," etc. by the state.
- Schools shall not use in their names or titles any reference to the state or other governmental subdivision.
- No private trade school shall call itself a "college," "university," or "bureau" except as provided in MA-03. (p. 6)

4. Administration (MA-08-1):

a.
- Changes in ownership need not be filed with the State Auditor, only with the Department of Education. (p. 5)

b.
- In case of a question regarding the competency of any teachers, the Department may appoint an examining committee of competent persons in the field to give tests as are necessary to determine the competency of teachers.

c.
- Each school shall file with the Department a statement giving the education, training, and experience of each full- or part-time teacher.
- The Department may require evidence of the competency of teachers.
- If a teacher is changed or a new teacher employed, the school shall give notice to the Department within 10 days and submit a statement for the new teacher. (p. 7)
- With the application for license, each school shall file a sworn statement of its condition (balance sheet) in an acceptable form showing assets and liabilities.

- For a license renewal, sworn copies of a balance sheet and a profit and loss statement must be filed.

5. Enforcement (MA-08-1):

   c. • Pupils having grievances involving violation of these rules shall have the right to report them, in writing, to the Commissioner. (p. 8)

MA-02

2. Application (MA-02):

Chapter 74, Section 37A applies to secondary level industrial, technical, agricultural, and vocational schools that establish technical institute level courses and, with Board approval, may grant associate degrees. This section shall not apply to regional community colleges, or to the Board of Regional Community Colleges.

3. Coverage (MA-02):

a.

b. • Courses of instruction must conform to standards established by the Board of Trustees.

c. • The Trustees may, subject to the approval of the State Board and the Board of Higher Education, grant the degree of Associate in Applied Science to persons completing a course of instruction.

d.

e.

f. • Public funds may be appropriated for courses of instruction in a technical institute level.

4. Administration (MA-02):

a. • The Board of Higher Education must give written approval of plans to offer postsecondary courses of instruction.

6. Other (MA-02):

A school committee of the Board of Trustees of any institution subject to this chapter must determine that sufficient need exists for courses beyond secondary school level designed to prepare students for opportunities for employment in industrial, agricultural, and technical occupations.

MA-10

2. Application (MA-10):

Applies to public institutions of higher education.

The Board of Education, through its postsecondary occupational-technical director and division, shall be the state agency responsible for the administration of vocational education.

3. Coverage (MA-10):

a. ● The Board of Higher Education shall approve plans for the orderly growth of public higher education and delineate changes in the functions of the segment of public higher education. (p. 113)

b. ● The determination of individual courses within a general program of study shall be the sole responsibility of each institution. (p. 112)
   ● The Board shall establish and maintain university extension courses. (p. 115)

c. ● In addition to the degrees authorized to be awarded in Section 28 (Regional Community Colleges), the Board may approve the awarding of certain other degrees, and may authorize new programs or terminate any program or degree with the approval of the governing boards concerned.

d.

e.

f. ● The Board shall review annual budget requests and have the power to receive (p. 113) and disburse federal funds in accordance with official plans.
   ● The division of occupational education, with the consent of the Boards of Education and Higher Education, shall determine guidelines for the disposition of all federal funds for postsecondary vocational-technical education. (p. 122)

g. ● An applicant not accepted for admission to an institution may send to the Educational Opportunities Information Center appropriate non-confidential information. The Center may direct the applicant to other institutions and direct the attention of other institutions to the applicant. (p. 116)

h. ● The Board shall operate an educational opportunities information center to provide information and assistance to prospective college and university students, and to public and private institutions of higher education on matters regarding student admission, transfers, and enrollments. (p. 115)

i.

j.

k. ● The Board shall administer a scholarship program to assist qualified student residents pursuing a program of higher education in any approved public or private college, university, or technical institute; it shall establish regulations governing the eligibility and award of scholarships. (p. 114)

4. Administration (MA-10):

c. ● The Board shall annually report to the Governor and to the General Court its findings and recommendations concerning the needs, programs, locations, and budget for public higher education, and a report of the activities and expenditures for the year. (p. 113)

MA-11

2. Application (MA-11):

Applies to regional community colleges and post-high school vocational education curricula subject to the supervision of the division of occupational education in the Department of Education. (p. 173)

3. Coverage (MA-11):

a. • Regional community colleges shall provide educational programs equivalent to the first 2 years of college, including postsecondary vocational education, 2-year transfer programs qualifying students for admission to the junior year at other colleges, and such liberal arts and science instruction appropriate within the terminal programs.
   • Each regional community college shall be governed solely by the Board of Regional Community Colleges, subject only to general authority in the Board of Higher Education. (p. 173)

b.

c. • The Board may also award academic degrees at all appropriate levels, as approved by the Board of Higher Education.
   • The Board may grant the Associate in Arts or Associate in Science degree to persons who complete the required courses of instruction, subject to the determinations of the Board of Higher Education.

d.

e. • The Board shall have the power to construct or provide facilities required for each college, or enter into agreements for the use of local facilities. (p. 174)

f. • The General Court shall annually appropriate necessary sums for the maintenance, operation, and support of each regional community college. (p. 177)

g.

h.

i.

j.

k. • The Board may fix the amount of student activity fee and shall fix the tuition to be charged. (p. 173)

4. Administration (MA-11):

a. • The Board may adopt, amend, or repeal rules and regulations for the government of any such college for the management and administration of its affairs, for its faculty and students, and may impose reasonable penalties for the violation of such rules and regulations. (p. 174)

b.

c. • A complete financial report covering all receipts and expenditures shall be made annually to the Governor and the General Court. (p. 176)

6. Other (MA-11):

The Board shall determine the statewide need for education at the community and junior college level. (p. 173)

MICHIGAN

1. Identification:

MI-01

Private Trade Schools (An act to provide for the regulation and licensing of private trade schools...Act 148 of 1943, Sections 395.101 - 395.103)

Date last amended: 2 November 1967

Stated purpose:

Basic effect: Requires schools to obtain temporary permits or permanent licenses before operating, and to be bonded.

Basic coverage: Private non-degree granting

MI-01-1

Refund Policy for All Schools

Effective date: 7 October 1972

Stated purpose:

Basic effect: Sets minimum refund policy.

MI-01-2

Private Trade and Business Schools (R 390.561 - R 390.568)

Effective date: 16 April 1968

Stated purpose:

Basic effect: Sets procedures and operating standards for issuing temporary permits and permanent licenses to schools; specifies bond amounts required; sets requirements for disclosure and advertising/recruiting.

MI-02

Educational Corporations, State of Michigan (Extracts from Corporation Code, Act 327, P.A. 1931, as amended, being Sections 450.170 - 450.177; Compiled Laws 1948, being Sections 21.171 - 21.178 of Michigan Statutes Annotated)

Date first enacted: 1931

Stated purpose:

Basic effect: Requires educational corporations to present a written statement to the Michigan Corporation and Securеties Commission from the Michigan State Board of Education that the corporation meets certain standards for that type of school before the school will be authorized to file its articles of incorporation.

Basic coverage: Private degree granting

MI-03

State Board of Education -- Minimum Requirements for Nonincorporated, Privately Operated Institutions (Act 142, 1964, as amended by P.A. 167)

Effective date: 8 May 1969

Stated purpose: "It is the intent of this act that such educational institutions shall meet minimum standards equivalent to those for institutions incorporated under the provisions of [MI-02]." (p. 1)

Basic effect: Brings privately operated institutions not incorporated under MI-02 under authority of the State Department of Education; requires such schools to meet standards the Department establishes, including requirements for degrees, diplomas, and certificates.

Basic coverage: Private degree granting

MI-04

Private Trade Schools - Solicitors' Permits (Act 40, 1963, Sections 395.121 - 395.125)

Effective date: 6 September 1963

Stated purpose:

Basic effect: Requires solicitors for in-state or out-of-state schools to obtain permits and to be bonded; requires out of state schools to obtain certificates of compliance before solicitor permits will be issued; and sets standards and procedures for obtaining such certificates.

Basic coverage: Private, non-degree granting

MI-04-1

Solicitors for Private Schools (R 340.471 - R 340.479)

Effective date: 11 May 1967

Stated purpose:

Basic effect: Sets procedures and standards for issuing solicitors' permits; requires out-of-state schools to obtain certificates of compliance and describes information such schools must supply to the Michigan State Board of Education before solicitation can take place in Michigan.

MI-07

Act No. 331 of the Public Acts of 1965 (Community or Junior College Districts)

Effective date: 1966

Stated purpose:

Basic effect: Sets procedures for establishing public community and junior colleges of various types.

Basic coverage: Public degree and non-degree granting (2-year institutions)

No further abstract prepared.

NOTE: State Constitution grants planning and coordinating authority to the State Board of Education and restricts program approval for public senior institutions to an advisory duty.

MI-01

2. Application (MI-01):

"All private trade schools, business schools and institutes operated by any person...for the purpose of teaching any trade, occupation, or vocation, shall secure from the state board of education a license...."

No school may operate as part of or in conjunction with a business or commercial enterprise which utilizes or sells goods or services produced by students.

Exemptions:

a. Institutions possessing authority to grant degrees
b. Schools licensed by other state boards
c. Programs maintained by employers for employees without profit

3. Coverage (MI-01):

a.
- The Board must approve the school's operating practices before issuing a permit or license.
- See 4b, item 2.
- See the second basic prohibition in Section 2.

b.
- The Board must approve the school's methods and standards of instruction and instructional practices before issuing a permit or license.
- See 4b, item 2.

c.

d.
- The Board must approve the school's personnel before issuing a permit or license.
- See 4b, item 2.

e.
- See 4b, item 2.

f.
- Schools shall provide bonds or insurance as surety, in amounts to be determined according to rules promulgated by the Board. Schools licensed to operate before the effective date of this Act are exempted from this provision.

g.

h.

i.
- The Board must approve the school's method and content of advertising before issuing a permit or license.

j.
- All records pertaining to the instructional program or any enrollee must be made available to the Board's authorized representative.

4. Administration (MI-01):

a.
- The Board of Education issues licenses and directs the form of licenses, issues permits for a temporary period prior to licensing and determines if school operation is satisfactory for licensing, approves the school's operation in items discussed in Section 3 above, establishes rules and regulations under this Act, provides for adequate inspection of schools,

determines what reports may be required of schools, authorizes personnel to inspect school records, and employs personnel necessary to carry out this Act.

b. • See 4a.
   • Before a license will be granted, the school must have operated under a temporary permit in a manner satisfactory to the Board and must have met standards described in Section 3. Permits are granted on the basis of written proposals which include plans for instructional procedures and practices, business standards and operating practices, personnel and facilities which meet the provisions of the Act, and regulations established by the Board.
c. • Schools shall provide the Board with evidence of surety.
   • Schools shall submit such reports as may be required, and shall make available to authorized representatives all records pertaining to instructional programs and individual students.
d. • See 5c, item 2.

5. Enforcement (MI-01):

a. • The Board may revoke licenses.
b.
c. • Licenses are revokable if the licensee is not complying with provisions of the law or rulings of the Board.
   • Failure to submit evidence of surety, and surety renewal before 30 June annually, shall invalidate a license.
d. • Bonds shall be conditioned to provide indemnification to any student suffering loss because of inability to complete a course due to closing of the institution.
   • Persons violating the Act shall be guilty of a misdemeanor punishable by fine not to exceed $100 or imprisonment not to exceed 90 days, or both.

MI-C1-1

2. Application (MI-01-1):

No basic prohibition.

NOTE: Refund policies established by the accrediting commissions of the National Home Study Council and the National Association of Trade and Technical Schools and the Accrediting Commission for Business Schools consitute Board-authorized minimum refund policies in Michigan.

3. Coverage (MI-01-1):

1. ● Minimum refund policy is: (1) a student in either a residence or a correspondence school may cancel enrollment any time prior to 30 days before instruction begins, or any time within 10 days after enrolling, and be liable for only $50; (2) if the student is inducted into the armed services, all monies shall be refunded; (3) if the student presents medical evidence that he will be unable to participate in the program contracted for, all monies shall be refunded; (4) students may cancel enrollment by registered mail and be entitled to a refund in the amount recommended by one of the accreditation agencies named in Section 2 above even if the school is not accredited.
   ● Refund policies of the three named accreditation agencies are detailed.

2. Application (MI-01-2):

No basic prohibition.

The standards in these rules apply to home study schools insofar as applicable, as well as to schools defined in MI-01. (p. 3)

Schools licensed to operate before the Act took effect need not be bonded.

3. Coverage (MI-01-2):

a.

b. • Courses of instruction shall extend over a sufficient period to meet current standards of trade and business practices. Outlines of lessons or projects shall be available to the Department.

c. • A student satisfactorily completing a course shall be given an appropriate certificate or diploma.

d. • Owners shall have a satisfactory record of business integrity and ethical practices.
- Data relative to the education, training, and experience of administrative, supervisory, and instructional staff shall be provided to the Department and evaluated by it as to competency to instruct or supervise.
- Personnel who teach in a field requiring a certificate or license shall have such.
- Class load for instruction shall be consistent with approved educational practice. (p. 2)

e. • Housing and facilities shall conform to standards specified by authorities. (p. 1)
- Equipment and materials shall be adequate and meet fire, health, safety, and sanitation requirements. (p. 2)

f. • Amount of surety (bond or insurance) shall be not less than the average tuition and fees charged in advance, times the average number of students expected to be enrolled during the period, but at least $1,000. Bonds expire on 30 June annually. Where a change in operation is expected to change the number of students enrolled or monies advanced, surety shall be adjusted at renewal. (p. 1)
- Owners shall possess financial resources adequate to fulfill the school's obligations.
- Records of school finances related to requirements of law shall be available for inspection by the Department.

g. • Students shall have necessary aptitude, prior education or training, and physical qualifications required in the occupational field for which they are training.

h. • The student's application form and contract shall correspond with the catalog furnished the student. Modifications shall be agreed to in writing by all parties. Refund policy shall be stated in the contract.
- Tuition rates and all other costs shall be furnished the student and the Department.
- A catalog shall be available clearly stating: (1) volume, number, or date; (2) name of the school, its governing body, officials, and faculty; (3) calendar of legal and scheduled holidays, vacation periods, and dates

of each term or semester; (4) enrollment dates and entrance requirements for each course; (5) policy relative to absences, leaves, tardiness, class cuts, makeup work, and interruption for unsatisfactory work or attendance; (6) grading system and re-entrance conditions; (7) student conduct and conditions of dismissal; (8) tuition charges and schedule of fees for student activities, laboratories, rentals, deposits, and other charges and refunds; (9) course outlines, showing units of instruction, skill to be learned, and approximate clock hours of instruction in each course; (10) credit allowed for previous education and training; and (11) if equipment to be furnished by the school and essential to the training is located at a place other than the school, it shall be so stated in the catalog. (p. 2)

i. • Content of all published literature, advertising, and illustrations shall convey only conditions supported by facts and statistics about the school, its management, instruction, offerings, and opportunities.
- Misrepresentation as to suitable jobs, probable earnings, school facilities, course of instruction, operational policy, charges for tuition and fees, available equipment, qualifications of instructors, and placement activities of the school is prohibited.
- Only such persons shall be indicated as members of the staff who are regularly employed to give or directly supervise instruction in one or more regular subjects.
- The school shall not use "blind" advertisements to solicit prospective students nor shall it advertise in the "help wanted" or other employment column in newspapers or other publications. Advertising shall be in the name under which the school is licensed.
- A licensed school may advertise only that it is licensed by the Board under the laws of Michigan.
- An officer or employee of the school shall not knowingly induce a student to leave an educational institution at which he is in attendance, or to change his plans when he has enrolled in another school and paid a deposit. (p. 3)

j. • Student records of enrollment, fees paid, attendance, programs, awards, interviews, and placement shall be maintained for at least 2 years following graduation, and available at student request.

k.

l. • See 3h, item 1.

m.

n. • Materials purchased by the student become his property. (p. 2)

4. Administration (MI-01-2):

a. • Personnel authorized by the State Department of Education furnish application forms and evaluate data concerning curriculum, instruction, facilities, and administration; issue temporary permits; evaluate school operation under permit; and conduct periodic inspection visits.

b. • See 4a.
- A temporary permit is issued for a specified period of not less than 6 months authorizing the school to offer specific courses at a definite location, and for evaluation by the Department prior to licensing. The permit may be extended in writing. (p. 1)

c. • Data from the school is to be supplied on forms provided.
- Bonds shall be provided as described in 3f above. (p. 1)

- Annual and special reports shall be furnished to the Department on forms provided. (p. 2)
- See 3b; 3d, item 2; 3f, item 3; and 3h, item 2.
- Supplements to catalogs shall be filed with the Department prior to their date of effectiveness. (p. 3)

d. • After operating under a permit for at least 6 months (see 4b, item 2) and being licensed, a school's license is effective as long as it maintains standards, furnishes reports as in 4c, item 3, and its name, location, ownership, and curriculum are unchanged (and surety is renewed and adjusted annually in the case of schools licensed to operate since this Act took effect). (p. 2)

e.

f. • See 4b, item 2.

5. Enforcement (MI-01-2):

a.

b.

c. • A permit or license may be revoked if the school is not complying with the law. (p. 2)
- See 4d.

MI-02

2. Application (MI-02):

Every educational corporation, before being authorized to file its articles, shall present to the Michigan Corporation and Securities Commission a written statement from the State Board of Education that it meets requirements indicated thus (*) in Section 3.

Three or more persons may incorporate a school, academy, seminary, college, or other institution where arts, sciences, professions, special occupations, and higher learning may be taught. Educational corporations may be organized for profit or by trustee corporations.

Educational corporations shall be classified as follows: (w) those having capital of not less than $500,000; (x) those having a capital less than $500,000 but not less than $100,000; (y) those having capital of $1,000,000 or more; and (z) those maintained by an ecclesiastical or religious group for denominational purposes. (p. 1)

Class (w) corporations have authority to conduct general colleges for furnishing higher learning and confer degrees and honors approved by the State Board of Education. The term "college" shall include colleges, universities, and other institutions where the arts, sciences, professions, and higher learning are taught and degrees conferred.

Class (x) corporations shall have authority to conduct junior colleges, seminars, academies, or preparatory schools as determined by the State Board, but not general colleges. (p. 2)

Class (y) corporations shall have authority to conduct colleges or universities of graduate rank with programs of study of 5 years or more. (p. 3)

Class (z) corporations shall include institutions founded under several earlier laws as religious and charitable institutions and like institutions, which may enjoy privileges of another class of institution described above if requirements for the class are met. (pp. 2-3)

Any educational corporation may, by increasing its capital and amending its articles, qualify for a higher classification and assume powers and privileges thereto. (p. 3)

3. Coverage (MI-02):

See the first paragraph in Section 2 regarding the "*."

a. • Control of corporate affairs shall be vested in a board of directors or trustees which shall have the power to: (1) appoint and pay a president, professors, and employees as necessary; (2) prescribe the course of study, rules of discipline, and tuition and fees; (3) grant diplomas, certificates, degrees, and/or honors as warranted; (4) delegate authority to school employees; and (5) cooperate with other educational institutions in promoting the best interests of education. (p. 4)

b.

c. * • The school's proposed educational program leading to offered diplomas or degrees is adequate. (p. 1)

- Diplomas and certificates of graduation shall entitle recipients to all privileges and immunities which are customarily allowed holders of similar diplomas or certificates, but shall not guarantee employment in any occupation or profession where statutory requirements or qualifications have not been met. (p. 4)

d. * • The school employs or proposes to employ an adequate and fully trained staff for the proposed instruction.

e. * • The school's actual or proposed housing space, administration facilities for its fields of instruction, and laboratory, library, and teaching facilities are adequate.

f. * • At least 50% of a school's capital has been paid in or reduced to possession. The Board may treat as part of such amount the corporation's guaranteed annual income. (pp. 1, 2)

g.

h.

i. • Use of the words "college" or "university" in the name of any institution formed henceforth is limited to educational corporations of class (w), class (y), or eligible corporations of class (z). The words "junior college" may be used by corporations of class (x). (p. 2)

j.

k. • The directors or trustees may accept gifts and bequests for the institution, disposing of and accounting for them as provided by the donor, law, or the articles of incorporation. (p. 3)

4. Administration (MI-02):

a. • The State Board of Education attests that standards indicated thus (*) are met before educational corporations are authorized to file their articles, approves the character of proposed degrees, diplomas, certificates, and honors, approves class (x) institutions, inspects institutions every 3 years, and reports findings to the Michigan Corporation and Securities Commission.

b. • See 4a regarding institution inspection.

c. • See Section 2 for description of statement to be filed before incorporation.

- Corporations wishing to expand their programs must present to the Michigan Corporation and Securities Commission a statement from the State Board of Education approving facilities, equipment, and staff of the additional program as adequate. (p. 2)
- Articles of incorporation shall state the number and name of faculties to be established, and if a religious institution, the name of the controlling denomination. (p. 3)
- The directors or trustees shall be required to report annually to the Board the name of each trustee, officer, and teacher, number of students, statement of property and stock, amount actually paid in, and other information exhibiting its condition and operations. (p. 4)

d. • See 4c, item 4.

5. Enforcement (MI-02):

a. • If an institution misuses the words "college, "university," or "junior college" (see 3i), the prosecuting attorney in that county shall bring proceedings to enjoin the further use of such name. (p. 2)

- The State Board and/or the Corporation and Securities Commission (unclear) may serve notice on an educational corporation to remedy defects in compliance with law within a reasonable fixed time, and if not remedied, they may institute proceedings at law for the dissolution of such corporation. (p. 4)

b.

c. • See 5a.
d. • See 5a.

MI-03

2. Application (MI-03):

No basic prohibition.

The State Department of Education may approve or disapprove post high school educational programs designed for transfer of credit, which purport to lead to diplomas, certificates, or degrees, for any privately operated institution not incorporated under provisions of MI-02.

Non-incorporated, privately operated institutions offering programs for students who will transfer to institutions of higher learning shall be within the jurisdiction of the Department for purposes of this Act. Schools licensed by other agencies which require curricula review are exempt.

3. Coverage (MI-03):

NOTE: See stated purpose in Section 1.

a.

b. • The Department may establish minimum standards with regard to educational programs leading to diplomas, certificates, or degrees.

c. • The Department may establish minimum general requirements for any degree, diploma, or certificate to be offered.

d. • The Department may establish minimum standards with regard to instructional staff.

e. • The Department may establish minimum standards with regard to housing space, administrative facilities, laboratory, library, and teaching facilities.

4. Administration (MI-03):

a. • The State Department of Education approves or disapproves post high school educational programs as described in Section 2 above.

5. Enforcement (MI-03):

a. • The Department may enjoin an educational institution to meet specified minimum standards within a specified time period if the institution fails to do so.
  • If the institution still fails to meet standards, the Department may take any legal action it deems necessary to cause the institution to refrain from offering any or all programs the Department has found inadequate.

b.

c.

d. • See 5a.

MI-04

2. Application (MI-04):

"No solicitor shall personally solicit any prospective student to enroll in any school unless he applies for and obtains a permit from the Superintendent.... No solicitor shall solicit prospective students to enroll in schools other than those specifically listed in the application and the permit."

Permits are required for solicitors of schools domiciled in-state and those domiciled out-of-state which are authorized by the Superintendent to solicit students in-state (see 4c).

Out-of-state schools possessing authority to grant baccalaureate degrees are exempted from requirements of this Act. "In-state school" means a private trade, business, or correspondence school licensed under MI-01.

3. Coverage (MI-04):

f. • Bonds for solicitors shall be provided in the amount of $1,000 and may be provided as individual bonds or as a blanket bond by the school covering each of its solicitors in the amount of $1,000. Bonds may be continuous.
g.
h.
i.
j. • See 3f.

4. Administration (MI-04):

a. • The Superintendent of Public Instruction issues solicitors' permits and authorizes out-of-state schools to solicit students in-state.
b.
c. • Foreign schools may be authorized to solicit in-state upon submission of application forms provided by the Superintendent containing information enabling the Superintendent to evaluate the instructional programs and practices and promotional and sales policies.
   • A solicitor shall obtain a separate permit for each school he represents.
d. • Each solicitor's permit expires annually on 30 June.
e. • Fee for original or renewal permits is $5, which shall be credited to the General Fund.

5. Enforcement (MI-04):

a. • The Superintendent may revoke a permit upon 10 days notice after a hearing if the solicitor solicits students through fraud or deception.
b.
c. • See 5a.
d. • All contracts between schools and students are null and void unless the school is duly licensed, approved, or authorized and the solicitor has secured the required permit.
   • Violation of this Act constitutes a misdemeanor punishable by a fine of $100, imprisonment for 6 months, or both.

MI-04-1

2. Application (MI-04-1):

No basic prohibition.

A private trade school, business school, correspondence school, or institute may solicit students by individual solicitors who hold permits if the school is licensed under MI-01 or incorporated under MI-02, or if the school is located out-of-state and if it has secured a certificate of compliance from the State Board of Education.

3. Coverage (MI-04-1):

NOTE: Provisions below relating to schools apply to out-of-state schools seeking a certificate of compliance.

a.

b.
- Schools must plan each course to cover the subject adequately, present it clearly, and treat it in accordance with best current knowledge and practice of trade and business standards. Duration shall be sufficient to complete the material within standards appropriate to the subject and occupational requirements.
- See 4c below.
- Correspondence schools shall provide for prompt and accurate correction of papers and prompt return to students.
- If objective tests or lessons are utilized, adequate provision shall be made for accurate correction by machine or personal check.

c.

d.
- Solicitors shall be of good moral character.
- The management of a school shall be person(s) of integrity and character in business practices.
- See 4c, item 2.
- Instructional personnel shall be competent to instruct or supervise in their assigned subjects.
- Average class and pupil load per teacher shall be consistent with educational practices in the subject.
- Correspondence school personnel shall have the ability to score and constructively criticize examination and other papers and to direct students in overcoming observed deficiencies. Technically competent personnel shall interpret objective test scores to students.
- If essay tests or assignments are used, they shall be corrected and critized by persons technically competent to make such corrections.

e.

f.
- Financial resources of the school management or governing board shall be adequate to realize announced instructional objectives.

g.
- Students selected for a course shall have general ability, prerequisite training, or previous experience essential for reasonable assurance of success in a course, and the physical and educational qualifications required in the occupational field.

- h.
  - Tuition rates and refund policy shall be clearly stated on the registration or contract form the student signs. Charges for supplies and equipment apart from tuition shall be clearly stated.
  - Catalogs or literature shall clearly state specific prerequisite training requirements for admission to courses and duration of each course.
- i.
  - Solicitors shall not make false or misleading statements to prospective students, and when soliciting shall carry their current permits stating name and school represented.
  - Schools and solicitors shall use the name and home address of the school as stated in the certificate of compliance in publicity and advertising.
  - Schools shall not guarantee or imply guarantee of placement.
  - Schools shall not advertise that they are recommended, endorsed, or approved by the State Board of Education.
  - All items of MI-01-2, 3i apply except items 2 and 5.
  - See 3k, item 1.
- j.
  - Adequate, complete registration, attendance, and achievement records shall be kept for each student and available to the student or an authorized Board representative on request.
- k.
  - Tuition rates shall be filed with the Board, and increases shall not be applied to a student for the term or course in which he is currently enrolled. Rates published or advertised shall be in accord with rates on file.
  - See 3h, item 1.
- l.
  - See 3h, item 1.
- m.
  - See 3i, item 3.
- n.
  - Supplies and equipment purchased by the student shall become his property on date of purchase.

4. Administration (MI-04-1):

NOTE: Provisions relating to schools apply to out-of-state schools seeking a certificate of compliance.

- a.
  - The State Board of Education issues certificates of compliance to out-of-state schools, issues permits to solicitors, and promulgates rules and regulations.
- b.
- c.
  - Schools must file written applications to obtain permits for their solicitors. Solicitors must return their permits within 10 days of termination of employment.
  - Schools must file written application on forms provided to obtain certificates of compliance, including: (1) evidence called for in 3d, item 2; (2) personnel qualification data for administrators, directors, and other management personnel employed by the governing body; (3) instructional personnel qualification data; (4) outlines of lessons or projects for each course; and (5) copies of proposed advertising.
  - See 3j and 3k above.
  - If a school changes its address, management, or curriculum, the certificate shall be returned to the Board with explanations of the change in status.
- d.
  - A certificate of compliance remains in effect as long as the school observes the law and rules and regulations.

5. Enforcement (MI-04-1):

a. • The Board invalidates solicitor permits. The Board may revoke certificates of compliance after proper notice and hearing.
b.
c. • Willful failure to return a permit within 10 days after termination of employment constitutes grounds for action ranging from invalidation of permits to denial of future permits.
  • Certificates may be revoked after proper notice and hearing if the Board determines that school management is not complying with the law or rules and regulations.
  • Changes in school address, management, or curriculum invalidate the certificate.
d. • See 5a.

MINNESOTA

1. Identification:

MN-01

Private Business, Trade and Correspondence Schools Act (Chapter 141, Sections 141.21-141.36)

Effective date: 15 November 1969, amended August 1973

Stated purpose: "It shall be the public policy of the state to protect all persons and schools covered by [this Act] from unfounded charges, complaints or harrassment, and to promote the growth, ethical, economic and successful operation of [such schools] and to protect the interests of prospective and enrolled students." (p. 9)

Basic effect: Requires schools to secure licensing, meet minimum standards set forth in the Act, and be bonded; requires solicitors to obtain licenses and be bonded.

Basic coverage: Private non-degree granting

MN-01-1

Minnesota Regulations: Edu (Chapter 20, Edu 380-388), Private Business, Trade and Correspondence Schools Pursuant to Minnesota Statutes Chapter 14

Effective date: 1969

Stated purpose:

Basic effect: Elaborates standards set forth in MN-01.

MN-02

Private College Registration Act, Chapter 201, Sections 1-11

Effective date: 1 March 1977

Stated purpose: "...establishing policies and procedures to assure the authenticity and legitimacy of private post-secondary education institutions and programs." (p. 1)

Basic effect: Requires non-profit or degree granting institutions to register; requires such schools to obtain approval before granting degrees.

Basic coverage: Private degree granting

MN-04

Chapter 136A, Minnesota Higher Education Boards and Agencies

Effective date: 1967, amended through 1975

Stated purpose:

Basic effect: Creates the Minnesota Higher Education Coordinating Board and outlines its powers, including: continuously studying and analyzing all phases and aspects of higher education, both public and private; engaging in long-range planning; reviewing, making recommendations, and identifying priorities for all instructional changes and expansions in all sectors of Minnesota postsecondary education; and disbursing federal and state funds for education, including scholarships and contracts with private colleges. Also creates the Higher Education Facilities Authority.

Basic coverage: Public and private degree and non-degree granting

No further abstract prepared.

MN-03

State Colleges and Community Colleges, Chapter 136

Effective date: 1901, including many revisions and amendments to 1974

Stated purpose:

Basic effect: Authorizes the State College Board to have the educational management, supervision, and control of the state colleges and their property; to appoint staff and fix salaries; to prescribe courses of study and conditions of admission; to confer diplomas; to adopt rules and regulations; to visit each college annually; and to report to the Governor and Legislature biennially. (p. 1883) Establishes 15 state community colleges which shall be under the management, jurisdiction, and control of a state board for community colleges. (p. 1898)

Basic coverage: Public degree and non-degree granting

MN-05

Miscellaneous Statutes relating to public non-degree granting institutions

Effective date:

Stated purpose:

Basic effect: Grants power to State Board of Education to serve as State Board for Vocational Education; requires proposed area vocational-technical schools to be in accordance with state plans and requires approval of petitions to establish them, permits the Commissioner to make rules governing area vocational-technical schools and delineates areas in which rules may be made; grants authority to license principals and superintendents and set standards for teachers' licenses; and requires approval of the State Board of Education prior to issuance of bonds for area vocational-technical schools.

Basic coverage: Public non-degree granting

No further abstract prepared.

MN-01

2. Application (MN-01):

"No school shall maintain, advertise, solicit for, or conduct any course of instruction in Minnesota without first obtaining a license from the commissioner." (p. 2)

"A solicitor representing a school must obtain a solicitor's permit from the commissioner before soliciting students to enroll...." (p. 5)

"No school...shall accept contracts...or...applications from a...solicitor who does not have a current permit as required...." (p. 7)

"School" means a person within or without the state that maintains, advertises, solicits, or conducts instruction for profit or tuition charge, unless exempted, and includes correspondence schools. (p. 1)

Also see prohibitions under 3g and 3i below.

Exemptions:

a. Colleges authorized by Minnesota or another state or country to grant degrees.
b. Nursing schools accredited by the State Board of Nursing or equivalent board of another state or country.
c. Public schools.
d. Private denominational secondary schools meeting requirements comparable to public high schools.
e. Private and parochial non-profit tax-exempt schools under State Constitution.
f. Valid apprenticeship courses taught or required by a trade union.
g. Schools exclusively training handicapped persons for the state.
h. Schools licensed by authorized boards.
i. Programs conducted by employers for their employees without charge.
j. Schools teaching purely avocational or recreational subjects (not including speed-reading).
k. Driver training schools operating within Minnesota.
l. Programs conducted by a trade, professional, or fraternal organization solely for its membership. (p. 9)

NOTE: See 5d, item 4.

3. Coverage (MN-01):

No license shall be issued unless the Commissioner first determines that:

a.

b. • Each occupational program is of such quality and content as to provide training which will adequately prepare students for entry-level positions.

c.

d. • The school employs a sufficient number of qualified instructors with education and experience to give the training.

e. • The premises in which students work and study are sanitary, healthful, and safe according to modern standards, and living quarters owned, maintained, or approved by the school are sanitary and safe.

- The school has satisfactory training facilities with sufficient tools, equipment, and work stations to adequately train the number of students to be enrolled. (p. 3)

f.
- No license shall be issued unless the school files a continuous corporate surety bond in the sum of $10,000, conditioned upon faithful performance of all contracts with students. The bond shall be to the State of Minnesota and to any person who may have cause of action against the school. In lieu of bond, the sum of $10,000 cash or securities such as may be legally purchased by banks or for trust funds may be deposited with the State Treasurer. (p. 2)
- The applicant has a sound financial condition with sufficient resources: (1) to meet the school's financial obligations; (2) to refund all tuition and other charges within a reasonable period if the school closes or justifiable claims for refunds are made by the student body; (3) to provide adequate service to students and prospective students; and (4) for proper use and support of the school. (p. 3)
- No solicitor permit will be issued unless the solicitor files a continuous corporate surety bond in the sum of $2,000, conditional upon faithful performance of all contracts with students made by the solicitor. The bond shall be to the State of Minnesota and to any person who may have cause of action against the solicitor. In lieu of bond, the sum of $2,000 cash may be deposited with the State Treasurer. (p. 5)
- See 4a, item 3 regarding power of the Commissioner to require financial statements.

g.
- No school or solicitor shall enroll a prospective student who obviously is unlikely to complete a course of instruction successfully or unlikely to qualify for employment in the field unless such fact is affirmatively disclosed to the prospective student. If after disclosure the student still desires to enroll, the school may obtain a disclaimer signed by the student stating that he or she is aware of such facts. (p. 7)

h.
- The contract or enrollment agreement used by the school complies with the following provisions: (1) school name and address must be clearly stated; (2) the document must contain clear and conspicuous disclosure that such agreement becomes a legally binding instrument upon student signature; (3) the document must contain the school's refund policy clearly and conspicuously entitled "Buyer's Right to Cancel;" (4) the document must clearly state total course cost, including tuition and all other charges; (5) the document must include name and description of the course and number of hours of instruction or number of home study lessons; (6) the document must not contain a wage assignment provision and/or confession of judgment clause; and (7) the document must include clear and conspicuous explanations of the form and means of notice the student should use to cancel, effective date of cancellation, and name and address to whom notice should be sent.
- Residence or residence/correspondence schools shall not be licensed until they furnish the Commissioner with a catalog or brochure containing: (1) identifying information such as volume number and date; (2) name and address of the school and its governing body and officials; (3) a calendar of the school showing legal holidays, beginning and ending dates of each course quarter, term, or semester, and other important dates; (4) school policy and regulations on enrollment dates and specific entrance requirements for each course; (5) school policy and regulations relative to leave, absences, class cuts, make-up work, tardiness, and interruptions for unsatisfactory attendance; (6) school policy and regulations relative to standards of progress required of

the student by the school, defining school grading system, minimum satisfactory grades, conditions for interruption for unsatisfactory grades or progress and a description of the probationary period, if any, allowed by the school, and conditions of re-entrance; (7) school policy and regulations relative to student conduct and conditions for dismissal for unsatisfactory conduct; (8) detailed schedule of fees, charges for tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other charges; (9) school policy and regulations relative to the refund of the unused portion of tuition, fees, and other charges in the event the student does not enter the course or withdraws or is discontinued therefrom; (10) description of available facilities and equipment; (11) course outline for each course offered showing course objectives, subjects or units in the course, type of work or skill to be learned, and approximate time or clock hours to be spent; and (12) school policy and regulations relative to granting credit for previous education and training (also included must be information described in MN-01-1, item 2).

- Correspondence schools shall not be licensed until they furnish the Commissioner with a catalog or brochure containing all the information in the above item except that in points 3, 5, and 7.
- Each prospective student must receive such a catalog or brochure from the school or agent in ample time to read it before signing any contract. (pp. 3-4)
- Students must receive exact copies of contracts from the school or agent immediately upon signing. (p. 5)
- See 3m for requirements regarding disclosure of school's placement record.

i.

- No school or solicitor shall advertise or represent orally or in writing that the school is approved or accredited by the state, only that the school has been duly licensed.
- No school organized after 15 November 1969 shall use the terms "college" or "university" in its name or elsewhere unless it receives certification from the Commissioner that it meets appropriate standards and is entitled to such designation. Schools operating previously under such designation are exempt.
- No school or agent shall make or cause to be made any oral, written, or visual statement or representation in offering or publicizing a course if the school or agent knows or reasonably should have known it to be false, fraudulent, deceptive, substantially inaccurate, or misleading. (p. 7)
- See 3f regarding bonding requirements for agents.

j.

k.

- Contracts for instruction in social skills (e.g., dancing) have special restrictions on assignment of contracts. (p. 8)
- Schools shall not transfer or assign promissory instruments made by students before 50% of the course is completed. Prior purchases of such instruments shall be subject to all defenses available against the school. (p. 7)

l.

- See 3h, item 1, points 3 and 7.
- Schools shall notify students in writing of their acceptance or rejection, and shall refund all monies to students whom they reject.
- Schools which utilize written contracts shall refund all monies to students who cancel in writing within 5 business days after execution of the contract, even if instruction has begun. If more than 5 business days pass before the student cancels, but instruction has not begun in a residence school, or the first lesson has not been serviced in a correspondence school, all tuition except 15% of the total course cost up to $50 shall be refunded.

- Schools which do not utilize written contracts shall follow the same provisions as above, except that date of acceptance by the school replaces date of execution of the contract.
- When a student in a residence school cancels in writing after instruction begins but before 75% of the course is completed, the amount charged for tuition, fees, and all other charges shall not exceed the prorated portion of total tuition, fees and other charges that the length of course completed bears to total course length, plus 25% of total course cost up to $100. After 75% of the course is completed, no refund is required.
- When a student of a correspondence school cancels in writing after instruction begins, all the above provisions apply, except that pro rata refund is based on number of lessons completed out of the total number of lessons, and the $100 maximum charge for the last 25% of the course is lowered to $75.
- Refund policy of combination correspondence-residence schools shall follow the above policies separately with respect to the different phases of operation, provided that tuition, fees, and other charges for each phase are stated separately in the catalog or contract; that is, a student enrolled in one phase but not the other shall receive a pro rata refund for the phase enrolled in and a full refund for the phase not yet begun.
- Date of contract execution shall be date of delivery of notice of acceptance, or postmark date if delivered by mail.
- If a student does not return, in usable condition within 10 days after cancellation, school equipment or supplies whose value was separately stated in the catalog and contract, the school may retain the fair market retail price of such in addition to other monies.
- Written cancellation shall be acknowledged in writing within 10 business days and monies due shall be refunded and obligation to pay terminated within 30 business days of receipt of cancellation notice. Date of cancellation shall be date of postmark or date of hand delivery to the school.
- Schools cannot make their refund policies conditional upon compliance with school regulations or rules of conduct. (pp. 5-7)

m.
- No license shall be issued to a school which offers, advertises, or implies placement services until the school files a certified copy of the school's placement record for the past year with the Commissioner, containing a list of all graduates, descriptions of their jobs, names of employers, and other information the Commissioner may require. Such information shall thereafter be filed at intervals determined by the Commissioner.
- Schools offering a placement service shall furnish prospective students, prior to enrollment, with information on percentage of previous year's graduates who were placed in the occupation for which they were trained. (pp. 4-5)

4. Administration (MN-01):

a.
- The Minnesota Advisory Commission on Private Trade, Business, and Correspondence Schools, appointed by the State Board of Education, advises the Commissioner and the Board in promoting growth, ethical, economic, and successful operation of schools subject to the Act, protecting the interests of prospective and enrolled students, and formulating rules and regulations under the Act. (p. 2)

- The Commissioner of Education issues school licenses and solicitor permits, determines that schools meet standards set forth in Section 3 above, determines how often schools must file placement records described in 3m, item 1, and determines if a school's subjects are purely avocational or recreational in nature. (pp. 2, 5)
- The Commissioner or his delegate may inspect the school facilities, equipment, records, and classes at any reasonable time, and require submission of a certified public audit or inspect the school's financial books and records. Such information may not be used to regulate or set tuition or fees charged by the school. (p. 8)
- The State Board of Education may adopt rules and regulations to carry out this Act. (p. 1)
- The Commissioner may enter into reciprocity agreements with similar agencies in other states if such would help effectuate the purposes of this Act.

b.
- See 4a, item 3.

c.
- Applications for school licenses shall be on forms provided by the Commissioner, containing the following information and such other as the Commissioner may require: (1) school title or name, ownership and controlling officers, members, managing employees, and director; (2) specific fields of instruction and specific purposes of such instruction; (3) places where such instruction will be given; (4) equipment available in each course of instruction; (5) maximum enrollment to be accommodated with equipment available in each course of instruction; (6) qualifications of instructors and supervisors in each course of instruction; (7) current balance sheet, income statement, and adequate supporting documentation, prepared and certified by an independent public accountant or CPA; (8) copies of all media advertising and promotional literature and brochures currently used or expected to be used; and (9) copies of all Minnesota enrollment agreement forms and contract forms used in Minnesota.
- Applications shall be signed and certified to under oath by the proprietor, managing partner, or authorized corporate officers, accompanied by bond, fee, required catalog or brochure (see 3h, items 2 and 3), and placement records (see 3m, item 1). (pp. 2-4)
- See 4a, item 5.
- Applications for solicitors' permits shall state full name, address, previous employment, and other information on the solicitor as the Commissioner may require, and be accompanied by a certified affidavit signed by a school official and the applicant attesting that the applicant has received, read, and has knowledge of this Act and its regulations, and also accompanied by fee and bond.
- A separate solicitor's permit must be obtained for each school represented unless the schools have common ownership. (p. 5)

d.
- Licenses expire on 31 December of each year. Application for renewal shall be on or before 1 October. Solicitors' permits expire on the same date each year and must be renewed on or before 15 November. (pp. 3, 5)

e.
- Fee for an original license shall be $200; for renewal, $150; for original or renewal solicitor's permit, $75. Fees are nonrefundable. (pp. 3, 5)

f.
- The Commissioner may grant conditional school licenses for periods of less than one year if in his/her judgment correctable deficiencies exist and when refusal to issue license would adversely affect currently enrolled students. (p. 8)
- See 5c, item 1.

5. Enforcement (MN-01):

a.
- The Commissioner may, upon his own motion, and shall upon the verified written complaint of any person setting forth facts which would constitute grounds for refusal or revocation under this Act, investigate the actions of any person(s) holding or claiming to hold a license or permit.
- Upon application of the Attorney General, the district courts shall have jurisdiction to enjoin violations of this Act. (p. 8)
- The Commissioner may, after proper notice and hearing if requested, refuse to issue, refuse to renew, revoke, or suspend any license or permit. (p. 7)
- See 4a, item 3.

b.
- See 5a, item 1.

c.
- See 5a, item 1. Before proceeding to a hearing on refusal, revocation, or suspension of a license or permit for any cause cited in the item following this, the Commissioner may grant a reasonable time for the holder or applicant to correct the situation. If this occurs, no further action shall be taken. (p. 8)
- Licenses and permits may be refused, revoked, or suspended due to: (1) violation of this Act or its regulations; (2) furnishing the Commissioner with false, misleading, or incomplete information; (3) presenting prospective students with false, fraudulent, deceptive, substantially inaccurate, or misleading information; (4) refusing to allow reasonable inspection or supply reasonable information requested in writing; and/or (5) existence of any circumstance which would be grounds for refusal of an initial or renewal license under this Act.
- Any order refusing, revoking, or suspending a license or permit may be appealed to the district court. If appeal is made concerning a school license, such order by the Commissioner shall not be effective until final court determination of the appeal unless the court orders otherwise. (p. 7).

d.
- See 5a and 5c, item 3.
- Contracts with unlicensed schools are unenforceable.
- School bonds shall be conditioned as stated in 3f above, and aggregate liability of the surety for all breaches of bond conditions shall not exceed $10,000. (p. 2)
- Schools domiciled out-of-state must designate a resident agent or the Secretary of State to receive service of process. If no agent is designated by sworn statement, the Secretary of State is automatically authorized as such. (p. 3)
- See 3h, item 1, point 6.
- Solicitor bonds shall be conditioned as stated in 3f above; aggregate liability of the surety for all breaches of bond conditions shall not exceed $2,000.
- Contracts entered into for licensed schools by a solicitor who holds no permit are unenforceable. (p. 5)
- Violations of provisions of this Act shall constitute a misdemeanor, and each day's violation shall be a separate offense. Penalty shall be imprisonment for 90 days or a fine of $300 for each day of violation.
- Limitations on contracts for instruction in social skills (e.g., dancing) are stated. (p. 8)

6. Other (MN-01):

See stated purpose in Section 1.

MN-01-1

2. Application (MN-01-1):

No basic prohibition.

Private business, trade, and correspondence schools authorized to use the terms "college" or "university" in their names or in any other manner, or any other school coming under the Act, shall not confer degrees unless approval is received from the Commissioner. Such approval shall not exempt them from coverage under this Act through exemption (a), Section 2, of MN-01.

The restriction on use of terms "college" and "university" in MN-01, 3i, item 2 means by the words "appropriate standards," accreditation by the North Central Association.

Any school holding promise of, making reference to, or advertising employment or improvement of effectiveness in employment shall not be deemed engaged exclusively in teaching avocational and recreational subjects. (p. 8)

NOTE: Any requirements, regulations, or standards adopted by the State Board of Education shall apply to schools domiciled both in and out of state. (p. 2)

3. Coverage (MN-01-1):

a.

b. • If a course's primary purpose is preparation for occupational entry or advancement, then the curriculum must be designed toward specific preparation for employment, must reflect occupational trends and meet the changing needs of job requirements, and must be based on required skills and knowledge.

c.

d. • Instructors shall have three years of trade or professional experience beyond the learner level in the field to be taught, or successful completion of a baccalaureate degree in the field, or as otherwise approved by the Commissioner. Exceptions are noted in the areas of medical technique and electronic data processing.
   • Intent of standards is to insure an effective level of teaching capability, but not to prohibit employment of well-qualified persons of unusual background or talents. Licensed schools meeting minimum requirements in all other areas may petition the Commissioner for special review by an appointed committee in such cases. (pp. 3-4)
   • See 4c, item 5.

e. • Work and study premises, conditions for students, and living quarters owned or approved for student housing shall meet all local sanitation and safety requirements. (p. 2)

f. • In lieu of individual solicitor bonds, a blanket bond covering all solicitors in the sum of at least $2,000 each may be filed by the school. Aggregate liability of the surety for breaches by any one solicitor shall not exceed $2,000. (p. 6)

g.

h. • Supplemental pages describing interim changes in tuition, etc., may be used as part of a catalog or brochure if they are the same size as other pages and fastened so as to become an integral part. These pages shall clearly be identified as pertaining to Minnesota, and shall clearly indicate that they supercede contradictory information elsewhere in the catalog, if any.

- Course outlines in catalogs shall clearly indicate if a course is lecture or laboratory, and if a combination, the approximate percentage of time for each.
- Catalog contents shall be clearly legible; all pages shall be of the same size and securely fastened together. Two different catalogs need not be secured together, however. (pp. 5-6)
- The catalog shall contain the refund policy printed in its entirety, which policy shall be in accordance with the Act, and shall define "student" as used in the policy to mean the party to the contract, whether student, parent, or other. (pp. 5, 7)

i.
- Title or name of the school as it appears on the license application shall be the only one used in any reference, written or oral, to the school made in Minnesota. (p. 1)
- A school shall not authorize a solicitor to engage in sales activity unless the solicitor offers evidence of having secured a solicitor's permit.
- Solicitors shall be referred to, orally or in writing, only as "solicitors," or "representatives," not by words such as "counselor" or "registrar." (p. 6)
- See provision in Section 2 above.

j.
- See 3m, item 2.

k.

l.
- See 3h, last item.
- See MN-01, 31, items 8 and 10 concerning date of contract execution and date of cancellation. Also see MN-01, 31, item 2.

m.
- See 3b. Compliance with these provisions must enable the majority of those seeking employment after graduation to secure at least entry-level positions in the occupation for which trained. (p. 2)
- Placement records required to be filed with the Commissioner (see MN-01, 3n, item 1) shall contain names of all graduates, placed or not, and job title, department, and employment site address for those placed. This information shall pertain only to initial placements of students graduating in the year prior to that for which the license is to be issued, or a different period specified by the Commissioner. (p. 6)

4. Administration (MN-01-1):

a.
- See 3d, item 2.

b.

c.
- Schools shall furnish all required application information separately on forms provided for each training program location.
- If substantial changes occur in any information required in the application, the school shall immediately notify the Commissioner.
- The required statement of financial resources shall include a showing as described in MN-01, 3f, item 2, point 2. Evidence may be a current profit and loss statement and balance sheet, or a statement from a public accountant or certified public accountant or similar evidence. (p. 1)
- The equipment list required with the application shall include major equipment items separately listed for each field of instruction.

- Qualifications of instructors and supervisors required with the application shall name all such persons and carry school certification that each has met all teacher qualification requirements of Minnesota and has been approved or certified by the Department of Education to teach in that specific field. Instructors will apply for approval on forms provided entitled "Application for Vocational Teacher's Approval."
- Copies of inspection reports by the fire department, State Fire Marshall, or Minnesota Industrial Commission shall, if furnished to the school, be filed with the Commissioner. (p. 2)
- If substantial changes occur in the catalog, the revised catalog shall be submitted to the Commissioner before any distribution occurs. (p. 5)

5. Enforcement (MN-01-1):

a. • See 5c below.
b.

c. • If required financial statement is not made (see 4c, item 3), the Commissioner shall refuse to issue a license.

d. • When a contract is deemed unenforceable because the school is not licensed, all monies paid by students or prospective students shall be immediately refunded. (p. 1)

MN-02

2. Application (MN-02):

"No school subject to registration shall grant a degree unless such degree is approved by the Board."

All schools located within Minnesota shall register annually with the Board.

Also see 3i, item 1.

"School" means any association, etc., which: (1) is, owns, or operates a private, nonprofit postsecondary educational institution; (2) provides a postsecondary program leading to a degree whether profit or nonprofit; or (3) uses the term "college," "academy," "institute," or "university" in its name. (p. 1)

3. Coverage (MN-02):

f. • The Board may require filing of a continuous surety bond or funds in trust of up to $2,000 for the purpose of preserving records after a school ceases to exist. (p. 2)

g.

h.

i. • See provisions on use of words in name in Section 2 above. In addition, no school subject to registration shall use those words in its name without approval by the Board.
• No school or employee shall advertise or represent that it is approved or accredited by the Board or the state, but may represent that it is registered if such is the case.

j. • After the Act's effective date, all schools must maintain permanent records of all students enrolled at any time. The Board may require a school to provide an acceptable plan for preserving all such records for at least 10 years. Also see 3f. (p. 2)
• The Board may determine by regulation what student records schools are required to maintain. (p. 1)

4. Administration (MN-02):

a. • The Minnesota Higher Education Coordinating Board registers in-state schools annually and may require out-of-state schools to register annually. The Board may request information it needs from schools (see 4c), and has the authority to verify accuracy of information submitted by inspection or any other means it deems necessary. (p. 7)
• The Board approves granting of specific degrees at a school and approves use of terms mentioned in Section 2 above in school names.
• The Board adopts policies and prescribes rules and regulations to carry out this Act, including delegation of authority for implementation of the Act to the Board's executive director. (p. 2)

b. • The Board shall establish procedures for approval of degrees and school names, including notice and opportunity for hearing if approval is not granted. (p. 2)

c. ● As a basis for registration, schools shall provide information which the Board needs, including but not limited to requirements for admission, enrollments, tuition charges, refund policies, curricula, degrees granted, and faculty employed.

d. ● Schools in Minnesota shall register annually, and out-of-state schools may be required to do so. (p. 1)

e. ● Initial registration fee shall not exceed $200; renewal fee shall not exceed $150.

f.

g. ● The Board shall maintain a list of schools authorized to grant degrees or use the four terms in Section 2 in their names, and make such list available to the public. (p. 2)

5. Enforcement (MN-02):

a. ● The Board may refuse to grant approval to issue degrees or use any of the four terms in Section 2 in a school name.

● Upon application of the Attorney General, the district courts shall have jurisdiction to enjoin any violations of this Act.

b.

c. ● See 5a, item 1, and 4b.

d. ● See 5a.

MN-03

2. Application (MN-03):

State normal schools and teachers colleges and state junior colleges are now designated as state colleges and community colleges.

Chapter 136 does not apply to the University of Minnesota system, which is under the management of the Regents.

3. Coverage (MN-03):

a. ● The state colleges shall be under the management, jurisdiction, and control of the State College Board (p. 1879); the State Board for Community Colleges shall possess all powers necessary to the management, jurisdiction, and control of the state community colleges. (p. 1899)

b. ● The State College Board shall prescribe courses of study. (p. 1883)
   ● The Community College Board shall prescribe the courses of study including undergraduate academic programs, training in semiprofessional and technical fields, and adult education. (p. 1900)

c. ● The College Board may award appropriate degrees to persons who complete a prescribed four year bachelor's curriculum of studies or a five year master's curriculum; award the appropriate doctoral degree to those completing a prescribed curriculum; and award an appropriate certificate indicating completion of a curriculum not resulting in a degree. (p. 1880)
   ● The Board for Community Colleges shall prescribe the requirements for graduation. (p. 1900)

d.

e. ● The State College Board shall establish a health service for students at each state college, and may charge a fee not exceeding $75 per year. (p. 1881)

f.

g. ● The State College Board and the Community College Board shall prescribe conditions of admission. (pp. 1883, 1900)

h.

i.

j.

k. ● The College Board shall fix rates of tuition for the various instructional programs and may waive tuition for qualified students on public welfare. (p. 1880)
   ● Nonresident students shall pay an additional tuition fee determined by the Board, who shall determine criteria for resident status.
   ● Student activity fees shall not exceed $15 per quarter; late registration fees may be charged according to Board rules. (p. 1881)
   ● Any person, regardless of age, eligible for admission to an institute of higher learning in the state and eligible to receive a loan pursuant to the terms of sections 136.43 - 136.50 (federal, state, and private grant and loan money) may execute a note agreeing to the repayment of the student loan. (p. 1896)

4. Administration (MN-03):

a.

b.
- The State College Board shall visit and inspect the grounds, buildings, modes of instruction, discipline, and management of each college at least once each year.

c.
- The Board shall biennially report to the Governor and Legislature the condition of each college with recommendations for improvement. (p. 1883)
- The president of each state college shall report annually to the Commissioner of Education, including departmental and class enrollments, average attendance, number of graduates, number of teachers, and the general condition of facilities. (p. 1884)

6. Other (MN-03):

The State Board may contract with public or private colleges or universities in contiguous states, and private colleges within the state on a reciprocal basis to enable an enrolled student to take a specialized course with or without the payment of tuition charges at the other institutions, or without being required to pay nonresident tuition fees. (p. 1882)

MISSISSIPPI

1. Identification:

MS-02

Mississippi Proprietary School and College Registration Law, Title 75, Chapter 60, Private Schools and Colleges, of the Mississippi Code of 1972 (Sections 75-60-1 through 75-60-41)

Effective date: 1972, amended 1974 and 1976

Stated purpose:

Basic effect: Requires schools to obtain certificates of registration and be bonded before operating; requires agents to obtain permits and be bonded before soliciting. Requires schools to meet certain standards.

Basic coverage: Private non-degree granting

MS-02-1

Regulations for Mississippi Proprietary School and College Registration Law

Effective date:

Stated purpose: "The Law is not in any way designed to prohibit any school from operating. It is designed to insure that students are offered learning experiences which are conducive to the achievement of the goals required by the training or educational program in which they are enrolled." (p. 1)

Basic effect: Sets forth specific standards schools must meet for academic classes and for technical or apprenticeship trades; sets forth procedural details on applications and application review.

NOTE: These regulations appear to be missing one page containing standards for student evaluation systems in academic classes and qualifications of instructors in technical education and apprenticeship trades. This omitted information was not obtainable.

MS-01

Commission on College Accreditation (37-101-241)

Effective date: 6 June 1964

Stated purpose: Creates the Commission on College Accreditation and authorizes it to prepare an approved list of junior and senior colleges and universities located in the state.

Basic effect: Grants the power to the Commission to adopt standards of approval which are in keeping with the best educational practices and to receive reports from institutions seeking approval. Institutions not previously authorized to grant degrees must be approved by the Commission in order to grant diplomas or degrees.

Basic coverage: Public and private degree and non-degree granting (2-year institutions) This section does not apply to private commercial schools and colleges.

NOTE: Standards of approval adopted by the Commission are the accrediting standards of the Southern Association of Colleges and Schools.

No further abstract prepared.

MS-03

Section 37-29-11 to 37-29-17 of MS Code of 1972 annotated. Junior College Commission

Effective date: 1962

Stated purpose: "...to create a junior college commission; to prescribe its powers and duties; ..." (p. 1)

Basic effect: Creates the Junior College Commission to study the need for junior college education (especially vocational-technical education); to set standards for junior college appropriations; to certify institutional eligibility for junior college appropriations; and to prepare reports.

Basic coverage: Public degree and non-degree granting (2-year institutions)

No further abstract prepared.

MS-02

2. Application (MS-02):

"...after the...Commission...has made public its standards for issuing certificates of registration, no course of instruction shall be...given, no diploma [or] degree...awarded, and no student enrollment...solicited... until the person...offering such course of instruction, diplomas, or degrees has obtained a certificate of registration from the Commission." (p. 5)

"No person shall sell any course of instruction or solicit students therefor in this state unless he first secures a permit as an agent...." (p. 9)

"Course" means instruction offered for a charge, fee, or contribution of any kind, and using designations such as "school," "academy," "college," or "university" that imply education of students. (p. 1)

Courses in progress when the Commission made its standards public were allowed to continue until completed.

Exemptions:

a. Tuition free courses or schools conducted by employers exclusively for employees.
b. Institutions under the jurisdiction of the Board of Trustees of State Institutions of Higher Learning. (This Board has program approval authority over nursing schools.)
c. Courses or schools under the jurisdiction of the State Board of Cosmetology or State Board of Barber Examiners.
d. Courses required to be licensed or given by schools licensed by other state boards; such schools may choose to apply for a certificate of registration.
e. Nonprofit private schools offering academic credits at primary or secondary levels or conducting classes for exceptional children.
f. Accredited private colleges and universities or private primary or secondary schools offering academic credits which are accredited by the State Department of Education.
g. Courses conducted by a public school district.
h. Courses conducted outside the United States.
i. Courses determined to be primarily for avocational, personal improvement, or cultural purposes which are not represented as improving income potential.
j. Courses primarily individual or tutorial, except when determined to have a vocational objective.
k. Kindergarten or similar preschool programs. (pp. 3-4)

NOTE: Correspondence courses were specifically included in the first version of the law but were deleted in the 1974 amendment.

NOTE: Phone contact indicated that private degree granting schools are not under the Commission's jurisdiction unless they are domiciled out-of-state.

NOTE: See Exemptions e and f regarding accreditation.

NOTE: The Commission may, in accordance with regulations it adopts, grant certificates of registration to schools domiciled in Mississippi that have been accredited by the State Department of Education Accrediting Agency. (p. 6)

3. Coverage (MS-02):

b. • See 4c, item 3 regarding special courses.

c.

d. • The Commission shall issue a certificate of registration to an applicant of good reputation if it determines that the applicant has faculty to provide students with proposed instruction. (p. 6)
   • Nothing in this Law shall require an instructor to be certificated by the State Board of Education or hold any type of post high school degree. (p. 8)
   • See 5c, item 2, points 3, 4, and 8.

e. • The Commission shall issue a certificate of registration if it determines the applicant has facilities to provide students with proposed instruction.

f. • The Commission shall issue a certificate of registration if it determines the applicant has resources to provide students with proposed instruction. (p. 6)
   • Applicant schools shall provide continuous surety bonds in the penal sum of $10,000 with an approved bonding company, providing blanket coverage for acts of all persons engaged as agents of the school. In lieu thereof, cash, a certificate of deposit, or government bonds worth $10,000 may be filed, subject to the same terms and conditions as the surety bond, with interest payable to the depositor. (pp. 7-8)
   • Agent applicants shall provide acceptable surety bonds in the penal sum of $1,000, which may be continuous; if not, a new surety bond must accompany each renewal application. (p. 10)
   • See 5c, item 2, point 8.

g.

h. • A certificate of registration shall be prominently displayed on the premises of an institution.
   • Schools shall display registration numbers assigned to them by the Commission on all school publications and on all advertisements bearing the school name. (p. 6)

i. • See 3h, item 2.
   • See 3f, item 2 concerning bonding of agents.
   • No agent's permit shall be issued to any person found not to be of good moral character. (p. 10)
   • Issuance of an agent's permit does not constitute approval of a course of instruction or person offering, conducting, or administering same, unless licensed by the Commission. Any contrary representation or any implication that a permit constitutes such approval is misrepresentation. (p. 11)
   • See 5c, item 2, point 6.

4. Administration (MS-02):

a. • The Mississippi Commission of Proprietary School and College Registration determines whether schools fit into exempt classifications (i) and (j) in Section 2 above; sets standards for issuance of certificates of registration; adopts rules and regulations for administration of the registration process; may investigate the correctness of information in any registration application; assigns registration numbers to all registered schools; approves applications for registration and issues certificates of registration; and approves applications for agents' permits and issues permits. (pp. 4, 5, 6, 10)

- The Commission may arrange for services and facilities to be provided by the State Board of Education and the Board of Trustees of State Institutions of Higher Learning.
- An executive secretary and staff may be appointed by the State Board of Education as required for performance of the Commission's duties. (p. 5)

b.
- See 4a, item 1.
- A certificate of registration or an agent's permit shall be granted or denied within 30 days. See 4f. (pp. 6, 9)

c.
- A certificate is valid only for the institution, location, and courses for which offered and is not transferable. (p. 6)
- Applications for certificates of registration and agents' permits shall be made in writing on forms furnished by the Commission (pp. 6, 9) and accompanied by fee. (pp. 7, 10)
- New courses must be registered before being offered. (p. 5) However, schools may offer special courses adapted to the needs of individual students in fields specified in the application without additional approval. (p. 8)
- Separate agents' permits must be issued for each school represented. (p. 9)
- See 3f, item 3.

d.
- Certificates are valid for 2 years. (p. 6) Agents' permits are valid for 1 year from date of issue. (p. 10)

e.
- Fee for a certificate of registration is $100; for renewal, $50; for registration of a new course, $50; these are not refundable. Fee for an agent's permit and for each renewal is $5. (pp. 6, 10)
- All receipts shall be deposited in the State Treasury to the credit of the General Fund. (p. 5)

f.
- If the Commission has not completed its determination with respect to issuance of a certificate of registration or a permit within 30 days, it shall issue a temporary certificate or permit to the applicant sufficient to meet requirements of the Act until determination is made. (p. 6)

5. Enforcement (MS-02):

a.
- The Commission may revoke, suspend, or cancel certificates; may investigate correctness of information in applications for certificates; may withhold certificates; may revoke or deny agents' permits; and may conduct informal conferences and formal hearings. (pp. 6, 8, 11)
- The Commission may petition the chancery court of the county in which courses are held or advertised without proper certificate for an order enjoining such offering or advertising. The Attorney General or district attorney shall, upon Commission request, represent the Commission in prosecuting such action. The court may grant such injunctive relief upon a showing that courses are being offered or advertised without certificate. (p. 9)

b.

c.
- The Commission may cause an investigation to be made into correctness of information submitted in any application for registration. If the Commission believes that false, misleading, or incomplete information has been submitted to it, it shall conduct a hearing and may withhold a certificate of registration upon finding that the applicant has failed to meet the standards for such certificate or has submitted false, misleading, or incomplete information. (p. 6)

- The Commission may suspend, revoke, or cancel a certificate of registration for any one or any combination of the following causes: (1) violation of any provision of the sections of this Act or Commission regulations; (2) furnishing of false, misleading, or incomplete information requested by the Commission; (3) signing of an application or holding of a certificate of registration by a person who has pleaded guilty or has been found guilty of a felony or any other indictable offense; (4) signing of an application or holding of a certificate of registration by a person who is addicted to the use of any narcotic drug, or who is found to be mentally incompetent; (5) violation of any commitment made in an application for a certificate of registration; (6) presentation to prospective students of misleading, false, or fraudulent information relating to the course of instruction, employment opportunity, or opportunities for enrollment in accredited institutions of higher education after entering or completing courses offered by a certificate holder; (7) refusal by an agent to display his agent's certificate of registration upon demand; (8) failure to maintain financial resources adequate for the satisfactory conduct of courses or to retain a sufficient number of qualified instructional staff; (9) offering of courses of instruction other than those presented in the application; or (10) acceptance of the services of an agent not licensed in accordance with this Act. (p. 8)
- Any agent's permit issued may be revoked by the Commission if the holder of the permit solicits or enrolls students through fraud, deception, or misrepresentation, or upon a finding that the permit holder is not of good moral character.
- The Commission shall informally notify the certificate or permit holder believed to be in violation. The Commission shall hold informal conferences in an effort to eliminate the objectionable procedures or practices. Nothing said or done in such informal conferences shall be disclosed or be used as evidence in any subsequent proceeding. If these efforts fail to eliminate the objectionable procedures or practices, the Commission shall hold a public hearing. Appeals to the State Board of Education are possible. (p. 9)

d.

- School and agent bonds shall provide for indemnification of any person suffering loss due to fraud or misrepresentation used in procuring that person's enrollment, including repayment of advance tuition payments in the case of the school bond. Liability of the surety shall not exceed $10,000 or $1,000, respectively, for all students for all breaches of the bond by the school or agent. (pp. 7, 10)
- See 5a concerning enforcement powers of Commission and others, and injunctive relief.
- Existence of a bond shall not limit or impair any right of recovery under law, and its amount shall not be relevant in determining damages due plaintiff.
- No recovery shall be had on any contract if the agent negotiating the contract did not hold an agent's permit.
- Violators of the basic prohibitions (see Section 2) are punishable by a fine of not more than $500 or imprisonment of not more than 90 days or both. (pp. 11, 12)

MS-02-1

2. Application (MS-02-1):

See MS-02.

3. Coverage (MS-02-1):

NOTE: Requirements for academic classes and for technical or apprenticeship trades are given separately as described below. (Some requirements may be missing; see Section 1 NOTE.)

a.

b.
- Academic classes: A total course shall include at least 1,000 clock hours or follow a planned program of studies approved by the Commission. A single course shall cover at least 48 clock hours, plus 16 additional clock hours for laboratory if required. (Driver training is an exception.) (p. 20)
- Technical and apprenticeship trades: Courses shall use one-third time for classroom instruction and two-thirds for shop or laboratory. Minimum course clock hours shall be at least 1,080 or follow a planned program of studies approved by the Commission. (p. 22)

c.
- See 4c, item 1.

d.
- Academic classes: Classroom teachers shall have a high school diploma or equivalent plus additional formal training (18 semester hours in the subject taught, 12 semester hours in teaching methods, 6 semester hours in psychology of learning, demonstration of competence in the teaching area). No class shall have over 32 students enrolled without written justification to the Commission, and the school average shall not exceed 29 students per teacher without Commission approval.

e.
- Academic classes: Regular classrooms shall have 600 square feet of floor space or 20 square feet per student, whichever is greater. Every class shall have appropriate equipment, including students' desks and chairs chosen for comfort, teacher's desk, filing and storage facilities, at least 16 linear feet of chalkboard and 8 linear feet of tackboard, shades or venetian blinds, and adequate laboratory facilities, equipment, and supplies. (pp. 19-20)
- Technical and apprenticeship trades: Classroom size shall be at least 600 square feet and equipped to provide greatest possible learning experience. Shop area size shall meet standards of the Vocational Division of the State Department of Education for that trade; shop equipment shall meet the Division's minimum standard equipment list for that trade. Texts shall be carefully chosen with adequate, up-to-date reference materials and periodicals in the training area. (p. 22)

f.
- See MS-02, 3f concerning school and agents' bonds.

g.

h.

i.
- All licensed schools shall use the statement "Licensed by the Commission of Proprietary School and College Registration -- License No. ____" on all written and oral advertising and school letterhead. (p. 16)

j.

k.

l.

m. • See 4c, item 1 concerning information on follow-up and placement of students. (p. 15)

n. • The school may conduct periodic self-studies to determine if the program developed from the school's philosophy is meeting student needs. (p. 16)

• The student evaluation system shall give an accurate account of student progress and be understandable to the student. (p. 23)

4. Administration (MS-02-1):

a. • The Commission of Proprietary School and College Registration has governing authority to implement MS-01.

• The Executive Secretary of the Commission shall visit those proprietary schools and colleges who have applied for certificates of registration, shall make recommendations to the Commission, and shall make periodic visits to registered schools to ascertain if they are operating in accordance with Commission approval. (pp. 13-14)

b. • See 4a, item 2.

• See MS-02, 4b, item 2.

c. • Application for certificates of registration shall be on forms provided, with five copies, and accompanied by six copies of the contract used with students, six copies of the diploma or certificate, fee, bond, and a full description of the follow-up and placement of students. (pp. 14-15)

• Applications for agents' permits shall be made on forms provided, accompanied by bond and fee. (p. 16)

d. • See MS-02, 4d.

e. • See MS-02, 4e.

f. • See MS-02, 4f regarding temporary certificates of registration (not agents' permits).

g. • See 5b.

5. Enforcement (MS-02):

a. • See MS-02, 5c, item 2.

b. • The Executive Secretary of the Commission will evaluate the program upon request of the school or pursuant to a complaint filed by a student or community citizen. (p. 16)

• When a parent or student makes a written complaint, the Executive Secretary notifies the school and sends a copy of the complaint. All parties are notified to appear at the Commission's next scheduled meeting for an informal conference, at which both sides will give, in detail, circumstances concerning the complaint. The Commission will make a decision in executive session based on the evidence and notify all parties in writing. (p. 17)

• The Commission may schedule a formal hearing with a school on complaints or violations of the law. The school may appear with counsel, and if so the Commission will also secure counsel from the Office of the Attorney General. At the hearing the school may show cause for its action; the school and/or its counsel may be questioned by the Commission on any point that may help the Commission reach a decision. (p. 18)

c. • See 5b, item 2.

• See MS-02, 5c, item 2.

MISSOURI

1. Identification:

MO-01

Sections 6.1-6.10, Missouri Reorganization Act of 1974

Effective date: 1 July 1974

Stated purpose:

Basic effect: Transfers powers of the Missouri Commission on Higher Education (which was the 1202 body among its other powers) to the Coordinating Board for Higher Education and describes new areas of authority, including approval of all proposed degree programs and of new public senior colleges and residence centers. Gives Board the authority to withhold funds it administers from schools who do not comply with its requests, but keeps responsibility for administering federal-state vocational/technical education with the Department of Elementary and Secondary Education which, however, shall consult with the Coordinating Board. Supersedes MO-02, though sections of MO-02 delineating Commission powers are still valid for the Coordinating Board.

Basic coverage: Public degree and non-degree granting

No further abstract prepared.

MO-02

Chapter 173--Commission on Higher Education (Sections 173.020, 173.030, 173.040, 173.050, and 173.090 are still valid, though this law is superseded by MO-01)

Effective date:

Stated purpose:

Basic effect: The sections of this law which are still valid define responsibilities of the Commission (now the Coordinating Board) for planning, coordinating, and recommending higher education policy, federal fund allocation, and specific school and program development, consolidation, or curtailment. Authority to enforce recommendations in the latter cases is not clear; it appears to be more concrete for public higher education institutions than for private. The Board also makes budget recommendations for each public college and university.

Basic coverage: Public degree and non-degree granting

No further abstract prepared.

MONTANA

1. Identification:

MT-01

Sections 75-9201 to 75-9224, R.C.M. 1947, An act regulating certain postsecondary educational institutions

Effective date: 1 January 1975

Stated purpose: "...to provide for the protection, education and welfare of the citizens of this state." (p. 1)

Basic effect: Requires licensing and bonding of postsecondary educational institutions and their agents.

Basic coverage: Private degree and non-degree granting (primarily private, proprietary, non-degree granting)

MT-02

Montana Session Laws 1975, Chapter no. 211, An act to conform the licensing of proprietary postsecondary institutions to the Montana Administrative Procedure Act

Effective date: 31 March 1975

Stated purpose:

Basic effect: Amends one and repeats two sections of MT-01 dealing with revocation of licenses and permits, associated hearings, and judicial review.

Basic coverage: Same as MT-01

MT-01-1

Montana Administrative Code, Subchapter 14, Proprietary Schools, 8-2.4(14)-S4510 to S4560

Effective date: 5 February 1976

Stated purpose:

Basic effect: Sets forth standards and procedures for licensing of schools and agents.

MT-04

75-8502 -- Regulation of award of degrees - Penalty

Effective date:

Stated purpose:

Basic effect: Requires approval of the adequacy of the course by the Regents for issuing any degrees.

Basic coverage: Public and private degree granting

MT-05

75-8501 -- Regents - Powers and Duties

Effective date:

Stated purpose:

Basic effect: Sets out powers and duties of the State Board of Education which serves as Regents of the Montana University System having general control and supervision of the System.

Basic coverage: Public degree granting

No further abstract prepared.

MT-03

Community College Districts: Chapter 81

Effective date: Includes amendments of 1971

Stated purpose: Defines community college district as a subdivision of the State of Montana organized under a single board of trustees "...for the purpose of providing community college instruction to high school graduates and other persons who have terminated their formal high school education." (p. 574)

Basic effect: Requires community college districts to be approved by the Board and to be supervised in areas concerning budgeting, recordkeeping, entrance requirements, and curricular offerings.

Basic coverage: Public degree and non-degree granting (2-year institutions)

MT-03-1

Board of Regents of Higher Education: Official Policy

Effective dates: 1974, 1976

Stated purpose:

Basic effect: Regulates credit transfer and degree and certificate offerings; establishes minimum requirements for faculty and division of governance responsibilities.

MT-06

75-7701 to 75-770 and 75-7713 to 75-7715

Effective date:

Stated purpose:

Basic effect: States duties of the Board of Education in governing vocational education; included provisions on nonresident tuition, fees, and selection of textbooks.

Basic coverage: Public non-degree granting

No further abstract prepared.

MT-01

2. Application (MT-01):

"No person, group, association or corporation...shall: (1) operate in this state a postsecondary educational institution unless...[it] is exempt...or is licensed...; (2) offer instruction in a[n] institution not exempted from this act whether within or without the state unless the agent possesses a currently valid permit...; (3) accept...contracts or applications for enrollment from an agent unless the agent possesses a permit...; (4) offer education...in this state unless the person...complies with the minimum standards..., the criteria established...and the rules and regulations adopted...; (5) act as an agent...unless currently possessing a valid permit.... (pp. 10-11)

"Institution" means an academic, vocational, technical, home study, business, professional or other school, college or university, or any person, association, or corporation offering educational credentials or services but does not include any institution established and maintained under the laws of this state, another state, or the government of the United States at public expense. (p. 2)

Exemptions:

a. Institutions accredited by a national or regional agency recognized by either the Board of Public Education or the Board of Regents of Higher Education.
b. Education sponsored by organizations for their membership without payment of fees.
c. Avocational or recreational education.
d. Education offered by charitable or religious institutions so long as it is not offered as leading toward educational credentials.
e. Institutions certified by the FAA.
f. Schools of cosmetology registered under another law. (p. 4)

NOTE: See exemption a regarding accreditation. Also, accreditation by regional or national accrediting agencies recognized by USOE may be accepted by the Department of Business regulation as evidence of compliance with the minimum standards established by this Act and criteria established under it. The Department, after conferring with the Commissioner of Higher Education, may require further evidence and investigation. (p. 10)

NOTE: If an applicant for an agent's permit intends to represent an institution not licensed to operate in this state, the application shall be accompanied by the information required of institutions applying for a license. (p. 13)

3. Coverage (MT-01):

In establishing minimum criteria applicants must meet for a license or permit, the Department of Business Regulation shall require compliance with minimum standards indicated thus (*) that:

a.

b. * • The quality and content of each course are such as may reasonably and adequately achieve its stated objectives. (p. 8)

c. * ● Upon satisfactory completion of training, the student is given appropriate educational credentials indicating that courses have been completed satisfactorily. (p. 9)

d. * o The education and experience qualifications of directors, administrators, supervisors, and instructors are such as may reasonably insure that the student will receive education consistent with the objectives of the course. (p. 8)

● The chief executive officer, trustees, directors, owners, administrators, supervisors, staff, and instructors are of good reputation and character. (p. 9)

* ● See 3e, item 1.

e. ● The institution has adequate space, equipment, instructional materials and personnel to provide education of good quality. (p. 8)

* ● The institution is maintained and operated in compliance with all pertinent ordinances and laws relating to safety and health.

f. * ● The institution is financially sound and capable of fulfilling its commitments to students. (p. 9)

● The Department may require the institution to file a surety bond in a sum it determines at the time application is made for licensure. The bond shall be for 2 years or coterminous with the license. (p. 18)

● An application for an agent's permit shall include a surety bond in the penal sum of $1000. The bond may be in blanket form to cover more than one agent of an institution. The bond shall be for 2 years or coterminous with the permit. (pp. 18-19)

g.

h. * ● The institution provides students, prospective students prior to enrollment, and others with a catalog or brochure containing information describing: the programs offered; program objectives; length of program; schedule of tuition, fees, and all other expenses necessary for completion; cancellation and refund policies; and other material facts likely to affect enrollment decisions as well as any other required disclosures. (pp. 8-9)

● Lending agencies who loan money for charges of a postsecondary institution shall conspicuously mark the face of notes or other instruments of indebtedness with "student loan." (p. 23)

i. * ● Neither the institution nor its agents engage in any advertising, sales, collection, credit, or other practices of any kind which are false, deceptive, misleading, or unfair. (p. 9)

● An applicant for a permit to act as an agent shall be an individual of good reputation and character and shall represent only institutions which meet minimum standards and criteria. (pp. 9-10)

● No institution may use the term "university" or "college" without authorization to do so from the Department in consultation with the Commissioner of Higher Education. (p. 10)

● See 4c regarding filing of affidavits of good character and reputation.

● See 3f regarding bonding requirements for agents.

j. * ● Adequate records are maintained by the institution to show attendance, programs (sic), or grades. (p. 9)

● If a Montana institution proposes to discontinue its operation, its chief administrative officer shall cause to be filed with the Department all specified academic records, including at least such academic information as is customarily required by colleges when considering students for transfer or advanced study; and, as a separate document, the academic record of each former student. (p. 21)

● The Department shall maintain these records for at least 10 years. (p. 10)

k. ● See 3i, item 1.

l. *● The institution has a fair and equitable cancellation and refund policy.

m.

n. *● Satisfactory standards are enforced relating to attendance, progress, and performance. (p. 9)

4. Administration (MT-01):

a.
  - ● The Department of Business Regulation administers this Act. It may request information from any state agency, which shall be provided. (pp. 4-5)
  - ● The Department, in consultation with the Commissioner of Higher Education, establishes criteria conforming to the minimum standards. (p. 6)
  - ● The Department receives and maintains academic records.
  - ● With the advice of the advisory council, the Department establishes rules, regulations, and procedures necessary for the implementation of the Act. (p. 7)
  - ● In consultation with the Commissioner, the Department authorizes institutions to use the terms "university" or "college." (p. 10)
  - ● An advisory council is created to advise the Department of policies, rules, regulations, and procedures necessary for carrying out the provisions of this Act. (p. 5)
  - ● Either the Board of Public Education or the Board of Regents for Higher Education may recognize an accrediting agency for purposes of exempting institutions from licensure. Either Board must notify the Department of such recognition. (p. 4)
  - ● See first NOTE under Section 2.

b.
  - ● The Department may investigate applications for licenses or permits as it deems necessary. (p. 6)

c.
  - ● Applications for licenses shall be made on forms prescribed and shall be accompanied by the most recent catalog or brochure, evidence of bond, and payment of fees. Licenses are nontransferable. (p. 12)
  - ● Applications for agents' permits shall be made on forms prescribed and accompanied by evidence of bonding and payment of fees, and the sworn affidavits of three residents of the state as to the good character and reputation of the applicant. Permits are nontransferable.
  - ● If an applicant for a permit intends to represent an institution not licensed to operate in this state, the application shall be accompanied by the information required of institutions applying for a license. (p. 13)
  - ● Institutions subject to the Act which were using either term "college" or "university" on 1 January 1974 may continue to do so by filing an affidavit. (p. 10)
  - ● An institution or its agent exempt from this Act may be included on the Department's list (see 4g) upon filing an affidavit of exemption. (p. 6)

d.
  - ● No license or permit shall be valid for more than 2 years and may be valid for less time. (pp. 12, 14)

e.
  - ● Initial license fee shall be $50; renewal $25. Initial permit fee shall be $25; renewal, $10.
  - ● All fees shall be deposited in the General Fund. (p. 20)

f.
  - ● Licenses and permits may be issued upon such terms and conditions as the Department may require. (pp. 12, 13)

g.
  - ● One of the duties of the Department is to maintain lists of licensed institutions, persons possessing permits, and recognized accrediting agencies. (p. 6)

5. Enforcement (MT-01):

a.
- Among the duties of the Department of Business Regulation is to: (1) investigate, on its own motion or a verified complaint, any institution or person subject to this Act; (2) subpoena any persons or documents; (3) require answers in writing under oath; and (4) administer oaths. (p. 7)
- The County Attorney, at the request of the Department or on his own motion, may bring any appropriate action or proceeding in any court of competent jurisdiction for the enforcement of the provisions of this Act. (p. 25)
- Criminal sanctions (see 5d, item 8) may be imposed by a court of competent jurisdiction in an action brought by the County Attorney. (p. 24)

b.
- See 5a, item 1.

c.
- If the Department determines that an application for a license or permit is deficient under established criteria, it shall notify the applicant. If the applicant requests and the request demonstrates an intention and ability to remedy deficiencies, the Department may grant the applicant a reasonable period of time to take action. If a request is not made, if it is denied, or if the allotted time passes without remedy, the application shall be denied. Notification of denial, reasons therefor, and an opportunity for a hearing shall be provided.
- If an application for a permit is denied, the Department shall notify the institution represented by the applicant. (pp. 14-15)
- A license or permit shall be suspended by operation of law when the institution or agent is no longer covered by a surety bond. (p. 20)

d.
- Any person claiming loss or damage as a result of an act in violation of this law by an institution, its agent, or both, may sue them or their sureties for the amount of damage and, if successful, shall also be awarded court costs and reasonable attorney fees. (pp. 17-18)
- Institutional and agents' bonds shall be conditioned to provide indemnification to any student, parent, or class thereof determined to have suffered as a result of an act or practice which is a violation of this law. The bonding company shall pay any final nonappealable judgment rendered by a court. Regardless of the number of years a bond is in force, the aggregate liability of the surety shall not exceed the penal sum of the bond. (pp. 18-19)
- In the event it appears that the records of an institution discontinuing its operation are in danger of being destroyed or made unavailable, the Department may seize them on its own motion without a court order. (p. 21)
- If the person to whom educational services are to be furnished by an institution is a resident of Montana, the following agreements entered into in connection with the contract or evidence of indebtedness are invalid: (1) that the law of another state shall apply; (2) that consent to the jurisdiction of another state is given; (3) that another person is authorized to confess judgment on the contract or evidence; and (4) that fixes venue.
- No note or other evidence of indebtedness for payment of educational services shall be enforceable in court by any institution located in Montana unless the institution has a license, or by any agents unless they had permits at the time of their contact with the student. (p. 22)
- Any lending agency (defined as a postsecondary institution or an entity controlled by or held in common ownership with such an institution) which loans money to students shall mark conspicuously on the face of notes the words "student loan." If the lending agency fails to do this, it

shall be liable for any loss incurred by any subsequent assignee, or holder on account of the absence of the notation.

- Lending agencies' and assignees' notes shall be subject to all defenses and claims which could be asserted against the postsecondary institution up to the amount remaining to be paid on the note. (p. 23)
- Anyone who willfully violates the prohibitions of this Act or fails to deposit records in the event of discontinuation shall be guilty of a misdemeanor punishable by a fine up to $1000, 6 months in jail, or both. Each day's failure to comply is a separate violation. (p. 24)
- Institutions not exempt from this Act which offer to provide educational services in Montana either in person or by correspondence to a Montana resident are submitted to the jurisdiction of Montana courts. Service of process may be made by personally serving the summons within or outside the state. (pp. 24-25)
- Whenever it appears that a school or agent is, will be, or has been violating any provisions of this Act or rules, regulations, or orders of the Department, it may, on its own motion or a written complaint, file a petition for any injunction for the purpose of enjoining such violation or for an order directing compliance. (pp. 25-26)

MT-02

5. Enforcement (MT-02):

a. • See 5c.
b.
c. • If the Department of Business Regulation has reasonable cause to believe that the holder of a license or permit has violated MT-01 or the criteria established under it, the Department may revoke the license or permit after opportunity for hearing. The Administrative Procedure Act shall govern proceedings for revocation, hearings, and judicial review.

MT-01-1

2. Application (MT-01-1):

"Each proprietary school in Montana commencing operations on or after January 1, 1975 must possess a valid license...before engaging in the solicitation of a student...." (p. 10)

"Each proprietary school agent soliciting students in Montana for a school located either within or without this state shall have been issued a Permit for said proprietary school." (p. 13)

"Proprietary school" is any postsecondary educational institution subject to the provisions of MT-01. (p. 9)

NOTE: Before a permit will be issued to an agent representing an out-of-state school, an appropriate school official must submit additional information. (See 4c.)

3. Coverage (MT-01-1):

a.

b.
- The courses and curriculum shall be organized on a systematic basis and when applicable shall include suitable classroom, field, shop, laboratory, or work experience training.
- The course content shall include instruction in safety, when applicable, in the field for which training is offered.

c.

d.
- The teaching load shall be reasonable in student-teacher ratio, number of subject preparations, number of periods and hours of assigned instruction, and other duties applicable to the type of instruction offered. Where individual instruction is used in laboratory or shop facilities, the student teacher ratio should not exceed 30 to 1. (p. 10)
- Administrators and directors shall have sufficient educational background, experience, and administrative competence to plan and properly supervise the training program.
- Schools shall maintain a teaching and supervisory staff that keeps abreast of new developments. Each teacher and supervisor must show evidence of professional growth in each 5-year period in one of the following ways: (1) additional work experience in this field; (2) course work; or (3) attendance at seminars and meetings conducted for professional improvement. (p. 12)

e.
- For lectures, there should be adequate comfort and space for each student. (p. 10)
- The school shall maintain facilities, equipment, tools, machines, classrooms, laboratories, and work stations adequate in quality, quantity, and variety which are consistent with a proper educational environment and that meet the training needs according to the stated vocational objectives.
- Classrooms and laboratory facilities shall be properly heated, lighted, and ventilated with adequate teaching equipment, materials, supplies, and other aids for reasonable instruction and learning, and equipment shall be suitable and modern in nature to provide quality instruction. (pp. 10-11)

f.
- License applications shall be accompanied by a surety bond in the penal sum of $10,000. (p. 9)
- See 4c regarding filing of financial statements.

g.
- A license shall not be issued to any school that denies enrollment to any applicant based on race, color, or creed. (p. 10)

h.
- The enrollment contract shall set forth briefly and clearly all conditions for enrollment in and completion of the course.
- Each school shall present a tuition refund schedule and a schedule of tuition and fees in published form to each applicant prior to enrollment. (p. 11)

i.
- No school shall use advertising which is untrue, deceptive, or misleading.
- All promotional publicity shall conform to the following standards: (1) publicity shall be based on relevant facts and supporting evidence; (2) a guarantee of placement shall not be promised or implied; (3) a school shall advertise only as a school and under its approved name. It shall not advertise in conjunction with any other business establishment. Terminology for referencing licensure is given; (4) schools shall not claim that they will train students completely in any given length of time; (5) schools shall not solicit students in the "help wanted" columns; and (6) schools shall not advertise endorsements by manufacturers, businesses, or organizations unless written evidence of endorsement is submitted to the Department and approved. (p. 12)
- See 4c regarding submission of all published materials.
- See 3j.

j.
- Each school shall maintain adequate records and make them available for inspection, including: (1) all approved courses of study; (2) copies of all promotional material, bulletins, and advertising; (3) a student's permanent records showing attendance, progress, tuition payments, application refund policy, high school or equivalent transcripts, counseling notations; and placement records; (4) a copy of rules and regulations; (5) student entrance applications showing date enrolled; (6) official transcript, if any, of all administrators, directors, supervisors, and instructors; and (7) a school catalog.

k.

l.
- See 3h, item 2.

m.
- See 3i, item 2, point 2.

4. Administration (MT-01-1):

a.

b.

c.
- Application for an initial license shall be made on forms prescribed and accompanied by: (1) the fee; (2) a bond; (3) adequate, current financial statements (e.g., an income statement and a balance sheet) certified by a licensed accountant, signed and dated by an authorized school official; (4) a list of three financial references (at least one from the institution's major bank); (5) copies of the enrollment contract form, the tuition schedule, the tuition refund schedule, each course outline, the certificate of completion or graduation certificate; the attendance record form; and all current school catalogs, bulletins, and other published materials including form letters, advertising, and circulars; (6) an inventory of equipment and tools available for inspection; and (7) a completed personal data form for each director, administrator, supervisor, teacher, and agent. (pp. 9-10)

- An application for the renewal of a license shall be submitted on forms prescribed and accompanied by: (1) a fee; (2) adequate, current financial statements as above; and (3) a bond.
- A license shall not be sold or transferred. (p. 10)
- Application for a permit shall be made on forms prescribed and accompanied by: (1) a fee; (2) a bond; (3) three sworn affidavits as to the good character and reputation of the applicant; and (4) a current photograph.
- Application for renewal of a permit shall be accompanied by: (1) a renewal fee; (2) a bond; and (3) a current photograph. (p. 12)
- Before a permit will be issued to an agent representing an out-of-state school, an appropriate official of that school shall submit the following additional information: (1) a copy of the current school catalog certified by an authorized school official as being true and correct in content and policy; (2) a copy of the student enrollment contract certified by an authorized school official as being true and correct in content and policy; (3) adequate, current financial statements certified by a licensed accountant, and signed and dated by an authorized school official; and (4) current evidence of compliance (i.e., inspection reports) from proper officials of applicable fire, sanitation, and safety codes. (p. 13)
- No school may advertise that it is endorsed unless written evidence is submitted and approved. (p. 12)

d. • Licenses and permits expire on their anniversary dates and shall be renewed each year. (pp. 10, 12)

5. Enforcement (MT-01-1):

a.

b.

c. • Violation of these rules and regulations is grounds for suspension or revocation of a license or permit.
- Failure to comply with all application requirements is grounds for denial of a license or permit. (p. 13)

6. Other (MT-01-1):

The Proprietary School Bureau falls within the Consumer Affairs Division of the Department of Business Regulation.

MT-04

2. Application (MT-04):

"No person, corporation, association, or institution shall issue any degree, or such similar literary honors as are usually granted by universities or colleges without the prior approval of the regents of the adequacy of the course of study."

NOTE: This section does not apply to any educational institution accredited by an association whose accrediting is found by the Regents to be generally recognized by state and other universities in the United States.

5. Enforcement (MT-04):

d. ● Violation of this section is a misdemeanor.

MT-03

2. Application (MT-03):

Statutes and regulations apply only to community college districts.

A community college district shall be prohibited from granting baccalaureate degrees. (p. 574)

The Regents shall direct each district to seek accreditation from a recognized accrediting association. (p. 575)

3. Coverage (MT-03):

a. • Proposed community college districts must have at least 700 regularly enrolled high school pupils in the area, be approved by a majority vote, and be organized with the approval of the Legislature acting upon the recommendation of the Regents. Governance and operation is the responsibility of the elected board of trustees under the supervision of the Board of Regents of Higher Education. (p. 578)
b. • The Regents shall approve curricular offerings for all community colleges. A district shall provide instruction and classes for residents in academic, occupational, and adult education. (p. 581)
c. • Community college districts shall not grant baccalaureate degrees.
d. • The Regents shall establish minimum qualifications for faculty and staff.
e.
f. • The Regents shall formulate and put into effect uniform policies as to budgeting, record-keeping, and student accounting. Each district board of trustees shall submit a budget annually to the Regents for their approval. (p. 582) The assessed valuation of a proposed district shall be at least $30 million.
g. • The Regents shall establish minimum entrance requirements. (p. 575)
h.
i.
j.
k. • The Regents shall approve all student tuition and fees for non-district residents. (p. 581)

4. Administration (MT-03):

a. • Community college districts shall be under the supervision of the Regents.
b. • The Regents shall direct each district to seek accreditation from a recognized accrediting association. (p. 575)

MT-03-1

2. Application (MT-03-1):

See MT-03.

3. Coverage (MT-03-1):

a. • Management and control is vested in the local boards of trustees of the districts except as specified by statutes. (p. 4)
b. • Academic curricula shall consist of all courses normally offered in the lower division of baccalaureate-granting institutions. Occupational programs are the vocational-technical programs which appear in the college catalogs, and include information on related job opportunities. (p. 1)
c. • Credits earned at regionally accredited institutions of higher education will be determined as applicable by the university system upon the transfer of the student. Community colleges are authorized to offer associate degrees and certificates of completion in academic, occupational, and vocational areas approved by the Board. (pp. 2, 3)
d. • Minimum requirements for academic faculty shall be a master's degree in the discipline; for occupational faculty it shall be 3 years' experience in the occupation to be taught.
e. • The Board shall approve the purchase, lease, or sale of all property conveyed to or from the community college districts, and authorize the construction or repairs of school buildings which involves the expenditure of state funds. (p. 6)
f. • The Regents will review, approve, and recommend budgets adopted by the trustees for submission to the Governor and Legislature. (p. 5)
g. • Community colleges shall admit all high school graduates or persons 18 years of age and older.
h.
i.
j. • Student accounting shall be submitted to the coordinator of community colleges under uniform policies formulated by the Regents. (p. 10)
k. • The Regents shall approve all student tuition and fees assessed; the schedules shall be submitted as part of the annual general fund budget presentations. (p. 6)

4. Administration (MT-03-1):

a.
b.
c. • Community college budgets shall be presented to the Board of Regents for review, on forms, and in a manner provided by the Commissioner of Higher Education. (p. 11)

NEBRASKA

1. Identification:

NE-02

Solicitors' Permits (Sections 79-1801 to 79-1808, Nebraska Revised Statutes Supp., 1959)

Effective date:

Stated purpose:

Basic effect: Requires solicitors for privately owned correspondence schools located in or out of state, or for privately owned trade or business schools offering resident courses, to obtain permits prior to soliciting and to be bonded.

Basic coverage: Private non-degree granting

NE-02-1

Rule 42 - Rules and Regulations Governing the Registration of Agents of Privately Owned Correspondence, Business, and Trade Schools Soliciting Enrollments in Nebraska

Effective date: 18 May 1957

Stated purpose:

Basic effect: Reiterates and amplifies standards and procedures described in NE-02.

NE-03

Licensure of Privately Owned Schools (Sections 79-1819 to 79-1824, Nebraska Revised Statutes Supp., 1959)

Effective date: 1943; latest amendment, 1977

Stated purpose:

Basic effect: Requires privately owned correspondence, business, or trade schools to obtain licenses, meet standards, and follow procedures set forth in the Act.

Basic coverage: Private non-degree granting

NE-01

Legislative Bill 812 - An Act to amend Section 79-1819

Effective date: 22 March 1974

Stated purpose: "...to amend Section 79-1819...."

Basic effect: Adds modeling schools to types of schools covered under NE-03.

Basic coverage: Private non-degree granting

No further abstract prepared.

NE-03-1

Rule 41 - Rules and Regulations Relating to the Licensure of Privately Owned Correspondence, Business, Trade, and Technical Schools Domiciled in Nebraska

Effective date: 8 December 1964

Stated purpose:

Basic effect: Describes detailed application procedures, standards for school directors and instructors, and minimum refund policy.

NE-06

Article 24 - Private Colleges (Sections 79-2401 through 79-2407, Nebraska School Laws)

Effective date: 1927; latest amendment, 1967

Stated purpose:

Basic effect: Requires persons wishing to establish a new 2- or 4-year private college to petition the State Board of Education for approval; sets forth procedures and factors of the college to be considered. (See Section 6 regarding Board's power to accredit.)

Basic coverage: Private degree granting

NE-04

Article 26, Technical Community Colleges (Sections 79-2636 to 79-2662)

Effective date: 22 May 1975; includes amendments of 1976

Stated purpose: "...to create locally-governed and locally-supported technical community college areas with the major educational emphasis on occupational education." (p. 1435); and to create the Coordinating Commission for Technical Community Colleges for statewide advisory supervision.

Basic effect: Designates the state's six technical community college areas and enumerates for each area's board of governors the powers, duties, and responsibilities to operate a community college; offer vocational, technical, and academic programs; avoid duplication of existing programs; prescribe the courses of study; grant certificates and associate degrees; and establish tuition rates.

Basic coverage: Public degree (A.A.) and non-degree granting

NE-05

Article 1: University of Nebraska; Article 3: State Colleges; Article 5: Tuition and Fees at State Educational Institutions; Article 7: Independent Institutions of Higher Education; Article 9: Postsecondary Education

Chapter 85 - State University and State Colleges

Effective date: Includes amendments and revisions through March 1976

Stated purpose: States the general powers and duties of: (a) the Board of Regents as the chief governing administrative unit of the University of Nebraska; (b) the Board of Trustees of Nebraska State Colleges; and (c) the Coordinating Commission for Postsecondary Education.

Basic effect: Establishes that the Board of Regents of the University System and the Board of Trustees of the State College System are responsible for the overall governance of those systems, including the hiring, compensation, and retention of personnel; the acquisition of land and facilities; the granting of authority to award degrees; the providing of classes through extension courses to meet the educational needs of residents at various localities statewide; and the establishing of student residency requirements for payment of fees and tuition.

Basic coverage: Public degree granting

NE-02

2. Application (NE-02):

"No person representing a privately-owned correspondence school located in the State of Nebraska or operating from a place of business in this state shall, except within the established and legal premises of such school, solicit or sell in Nebraska any correspondence course for...remuneration unless he first secures a permit from the State Board of Education."

"No person representing a privately-owned correspondence school located outside the State of Nebraska shall solicit or sell in Nebraska any correspondence course...for remuneration unless he first secures a permit...." (p. 1)

"No person representing a privately-owned trade or business school which gives training in residence shall solicit or sell any resident course for remuneration unless he first secures a permit...." (p. 2)

3. Coverage (NE-02):

f. • Bonds for solicitors shall be in the penal sum of $5,000. They may be continuous and supplied by the solicitor or by the school as a blanket bond covering each of its representatives in the penal sum of $5,000. (p. 1)
g.
h.
i. • No person shall be granted a permit unless he is an individual of good moral character. (p. 2)
j.
k.
l. • See 5d, item 2 regarding bond indemnification.

4. Administration (NE-02):

a. • The State Board of Education issues permits and adopts rules and regulations for administration and enforcement of the Act. (pp. 1-2)
b.
c. • Applications for permits shall be made on forms provided, and both original and renewal applications shall be accompanied by bond and fee. (p. 1)
d. • Permits shall be valid for the calendar year in which issued.
e. • Fee for an original or renewal permit is $10. All fees shall be deposited in the State Treasury to the credit of the General Fund and shall not be refundable. (p. 1)

5. Enforcement (NE-02):

a. • The State Board of Education may refuse to grant permits, may hold hearings, and may revoke permits.
b.
c. • Permits may be revoked after notice and hearing if the holder solicits

or enrolls students through fraud or misrepresentation. (p. 2)

d. • See 5a.

- Bonds shall be conditioned to provide indemnification to any student(s) suffering loss as a result of fraud or misrepresentation used in procuring their enrollments and also to provide indemnification to student(s), based upon a reasonable schedule for refund of tuition, in the event that the student fails to enter or discontinues training. Maximum liability of the surety for any one solicitor shall be $5,000. (p. 1)
- Persons violating the Act shall be guilty of a misdemeanor punishable by a fine not to exceed $500 or imprisonment not to exceed 3 months. (p. 2)

NE-02-1

2. Application (NE-02-1):

Same basic prohibitions as NE-02.

NOTE: When the applicant's place of business is located outside Nebraska, the bond shall be accepted only when applicant furnishes evidence that its place of business has been licensed or approved in the state in which it is domiciled. (p. 2)

3. Coverage (NE-02-1):

f. • A solicitor's permit will not be issued until a bond to the State of Nebraska has been accepted by the Department. See Section 2 NOTE regarding grounds for acceptance; see NE-02, 3f for bond details. (p. 2)
   • Bonds shall be conditioned for the faithful performance of all contracts and agreements of students. (p. 2)

g.

h.

i. • Permits will be issued to applicants who present satisfactory evidence that: (1) they are of good moral character; (2) they are employed by a school covered under this Act; and (3) they have filed a copy of the contract to be used in enrolling Nebraska students. (p. 2)
   • See 4d.
   • See 3f regarding solicitors' bonds.

4. Administration (NE-02-1):

a. • The Commissioner of Education furnishes forms, accepts applications, fees, and bonds, and decides if evidence called for in 3i, item 1 is satisfactory. (pp. 1-2)
   • The Department accepts the surety bond (see Section 2 NOTE). (p. 2)
b. • If the application described in 4c, item 1 is approved, bond must then be filed and accepted. (pp. 1-2)
c. • Application shall be made to the Commissioner on standard forms provided, accompanied by fee.
   • Permits are not transferable. If a permit holder's employment ceases, the permit must be returned to the Commissioner. (p. 1)
   • See 3i, item 1, point 3.
d. • Permits are valid for the calendar year in which issued, and are renewed annually if the applicant qualifies under then current regulations. (p. 2)
e. • See NE-02, 4e.

5. Enforcement (NE-02-1):

a. • The State Board of Education revokes permits.
b.

c. • The Board may revoke a permit after proper notice and hearing if it determines that: (1) a student has suffered loss as a result of fraud or misrepresentation used in procuring his enrollment; or (2) the school represented has not fulfilled its contract with Nebraska students. (p. 2)
d. • See 3f, item 2.

NE-03

2. Application (NE-03):

"No privately owned correspondence, business, or trade school shall be operated by any person...unless a license is first secured from the board.... (p. 1)

"School" means a place of business in Nebraska which, for remuneration, gives training in any business, trade, technical, or industrial occupation (including modeling; see NE-01), or a place of business outside Nebraska and selling or offering to sell training in Nebraska.

Exemptions:

a. Public or tax-supported institutions.
b. Parochial, denominational, or eleemosynary institutions.
c. Schools licensed by legally constituted boards in Nebraska.
d. Schools in the avocational, recreational, or entertainment fields, including dancing, charm, and photography schools. (p. 1)

NOTE: If the school is located out-of-state, bonds shall be accepted only when accompanied by evidence that the school is licensed or approved in its home state. (p. 2)

3. Coverage (NE-03):

Licenses will be issued when it is determined that the school is in compliance with the following minimum standards:

a.

b.

c.

d. • Its directors, administrators, and instructors have adequate educational and experience qualifications.
e. • It has equipment, tools, machines, classrooms, laboratories, and work stations adequate in quality and numbers to offer training it alleges to offer.
   • It complies with all public regulations, such as fire, building, and sanitation codes.
f. • It is financially sound and capable of fulfilling its commitments for training. (p. 1)
   • Bonds shall be in the sum of $10,000, may be continuous, and shall be conditioned for faithful performance of all contracts with students, as disclosed in the license application, and for compliance with the Act. (p. 2)
g.

h.

i. • It does not utilize advertising and sales practices which are erroneous or misleading, either by actual statement, omission, or intimation.
j.

k.

l. • It has and adheres to a reasonable refund schedule in the event a student fails to enter or discontinues training. (p. 1)

4. Administration (NE-03):

a. • The Nebraska State Board of Education determines if a school meets standards in Section 3, issues licenses, and adopts reasonable rules and regulations for the administration and enforcement of this Act. (pp. 1-2)
• The Department accepts bonds (see Section 2 NOTE).

b.

c. • Application shall be on a form furnished by the Board, accompanied by bond and fee. Renewal application shall be accompanied by fee and bond or evidence of continuation of bond previously given. (p. 2)

d. • Licenses expire at close of the calendar year after issuance.

e. • Original and renewal application fee shall be $25. Fees shall be deposited in the State Treasury to the credit of the General Fund and shall be nonrefundable. (p. 2)

5. Enforcement (NE-03):

a. • The Board may refuse or revoke licenses and hold hearings. (pp. 1-2)

b.

c. • Licenses may be revoked, after notice and hearing, when it has been established that the school fails to meet any standards or requirements of the Act. (p. 2)

d. • See 3f, item 2.
• See NE-02, 5d, item 3 for penalties.

NE-03-1

2. Application (NE-03-1):

"Nebraska law requires licensure and bonding by the...Board of all proprietary correspondence, business, trade, and technical schools domiciled in Nebraska... in which training is given for...remuneration...." (p. 1)

NOTE: See Section 2 NOTE of NE-03.

3. Coverage (NE-03-1):

a.

b.

c.

d.
- Directors, instructors, and assistants must be of good moral character.
- For correspondence schools: (1) adequate qualifications for director shall be experience for competent and ethical administration of the school in all areas; and (2) adequate qualifications for correctional personnel shall be completion of an approved 4-year high school course or equivalent, 6 years of teaching and experience closely related to the subject taught, and knowledge of applicable educational psychology and methods.
- For schools of business: (1) adequate qualifications for director shall be a baccalaureate degree from a recognized institution of higher learning and teaching experience; (2) adequate qualifications for instructors shall be completion of a 4-year curriculum with specialized training in subjects to be taught in a recognized, accredited institution of higher learning, or 15 semester hours of business teacher education in such institution, successful completion of a 2-year course in a well established business school, and related teaching or business experience; and (3) adequate qualifications for instructors in machine subjects or avocational subjects shall be proper experience and training in areas taught.
- For trade and technical schools: (1) adequate qualifications for director shall be completion of an approved 4-year high-school course or equivalent preparation, 4 years of journeyman experience beyond apprenticeship, and related teaching/supervisory experience, or at least 8 years experience teaching industrial or vocational education in a recognized public or private school; (2) adequate qualifications for shop instructors shall be completion of an approved 4-year high school course or equivalent and at least 3 years of journeyman experience in subjects taught; and (3) adequate qualifications for related subject instructors shall be completion of an approved 4-year high school course or equivalent and either 3 years of journeyman experience or successful completion of a recognized course of study in the area taught.
- Qualifications for business and trade/technical school personnel shall not apply to persons in those positions when these rules took effect.
- "Director" is defined; the director shall not be unduly burdened with recruitment, business management, or employment. "Instructor" is defined; this does not include assistant instructors teaching under direct daily supervision. (pp. 3-4)

e.
- See NE-03, 3e, items 1 and 2.
- See 4c, item 1.

f.
- See NE-03, 3f, item 1.
- See NE-03, 3f, item 2. Contracts are specified as being both oral and written in these rules. (p. 1)
- See 4c, item 1.

g.

h.
- The school catalog or supplement shall contain: (1) identifying data such as volume number and date; (2) name of the school and its governing body and officials; (3) administrative and teaching staff with education and experience; (4) schedule of fees, tuition, books, supplies, tools, activity and laboratory fees, service charges, rentals, and deposits; and (5) school refund policies and regulations. (p. 2)

i.
- The school shall not utilize advertising and sales practices which are erroneous or misleading, either by actual statement, omission, or intimation relating to the status and services of the school, employment opportunities, and salaries in the field or fields in which training is offered. School officials shall assume responsibility for the indoctrination of field representatives in ethical business and sales practices in solicitation. (p. 5)

j.
- The school shall maintain student records with complete and useful information about the student's educational and personal background, including courses taken, credits and grades received, dates of schools attended, certificates, degrees, or diplomas, and other pertinent information including entry employment data. A follow-up on graduates must be done within one year. The length of retention of records shall be five years for gross information and summary for life. In an event that the school closes, summary student records shall be deposited with the State Department of Education.

k.

l.
- See 3h, point 5.
- The school shall have and adhere to a reasonable refund schedule in the event a student fails to enter or discontinues training. Minimum policies for resident schools are: (1) nonrefundable advance payment does not exceed $100; (3) if tuition is assessed on a monthly basis, the student who interrupts his training will fully discharge his financial obligations to the school by forfeiting the advance payment and tuition for the month in which the interruption occurs; (3) if tuition is assessed on a course or term basis, refunds shall be pro rata based upon approximately one-third the course length plus the registration fee. After one-third of the course is completed, no refund is due; and (4) the student will be refunded the list price of all tuition and fees paid in advance for a term or course following the one in which his training was interrupted. Minimum policies for correspondence schools are: (1) nonrefundable advance registration fee assessed does not exceed $50; and (2) the student who interrupts his training will be refunded tuition paid in advance on a pro rata basis based upon approximately three-fourths of the lessons completed or three-fourths of the normal completion time, whichever occurs first, plus registration fee. (pp. 5-6)

m.
- See 3j concerning follow-up on graduates.

4. Administration (NE-03-1):

a.
- The Nebraska State Board of Education issues licenses, supplies application forms, and may utilize consultants or representatives of business and industry to advise it.
- See 4b for Department duties.

b.
- After the application is reviewed and found in good order by the Board, total instructional facilities shall be inspected and evaluated by staff of the State Department of Education and necessary consultants. If the school is found potentially eligible for licensure, it shall be notified by registered mail and shall then file required surety bond. (p. 2)
- The Board shall evaluate applications for re-licensure using the same procedures used for original applications. (p. 3)

c.
- Application shall be made in form of a letter from an officer of the school, supported by: (1) balance sheet, profit and loss statement, and other evidence of financial responsibility as the Board requires for the period ending no more than 60 days before application is filed, certified true and correct by a school officer; (2) a summary of school space, facilities, and equipment; (3) certification by a school officer that applicable regulations such as fire, building, and sanitary codes are met, with information about deficiencies, if any; and (4) two copies of the most recent school catalog or supplement, certified true and correct in content and policy by a school officer, and containing information (listed in 3h) in sufficient detail to permit evaluation.
- Schools shall submit bonds on forms furnished by the Board.
- Schools shall apply for re-licensure in the same form and setting forth the same information as the original application. (pp. 1-2)

d.
- See NE-03, 4d.

NE-06

2. Application (NE-06):

"In order to establish a two or four-year private college, any individual or organization sponsoring such a college must first petition the State Board of Education for approval thereof." (p. 333)

See item 2 of Section 6 regarding accreditation powers of the Board.

3. Coverage (NE-06):

See Section 6 regarding criteria for Board accreditation.

In considering the feasibility of the proposed college, the Board shall take into account the following factors:

a. ● The objectives of the proposed college.
b. ● The proposed instructional program.
c.
d. ● The plan for staffing the program, including staff qualifications.
e.
f. ● The financial soundness and capability to fulfill proposed commitments.
g.
h.
i.
j.
k.
l.
m.
n. ● Other pertinent factors related to potential of the proposed college or as may be developed at the hearing (see 4b).
    ● Need for the proposed college. (p. 333)

4. Administration (NE-06):

a. ● The State Board of Education approves or disapproves petitions. The State Board accredits private colleges (see Section 6, item 2).
b. ● Upon receipt of a petition, the Board schedules a public hearing and publishes notice thereof within specified time limits. Hearing is held according to procedures of state law.
c. ● Petition shall be in such form as the Board prescribes and shall be sufficiently detailed as to disclose feasibility, or lack thereof, of establishing the proposed college.

5. Enforcement (NE-06):

a. ● The Board may disapprove petitions. (p. 333)

6. Other (NE-06):

See 3n, item 2.

The Board may provisionally accredit a private college not previously accredited by a regional association. Such accreditation is for 3 years but may be renewed. It must be the intent of the college to obtain accreditation; action necessary to obtain such must have been taken. Application for accreditation shall be in the form prescribed by the Board. The Board shall receive a recommendation from a committee representing accredited colleges and universities in the state before taking action. The committee shall consider the following: (1) the instructional program, which must be similar to that of accredited public and private colleges in quality and content; (2) qualifications of administrative and instructional staff, which must be adequate to college purposes; (3) physical plant and equipment, including housing and student services facilities, which must be adequate to the program; and (4) financial soundness, which must equip the college to carry out its commitments. (p. 334)

NE-04

2. Application (NE-04):

Six public technical community college areas.

Insures that technical community colleges will not be converted into 4-year baccalaureate degree granting institutions.

Avocational and recreational community service courses shall not be included in determining full-time equivalent (FTE) enrollment. (p. 1436)

3. Coverage (NE-04):

a. ● Each technical community college board of governors shall have the general control of the institution and shall develop programs to meet needs, establish fees and tuition, employ staff, prescribe courses, publish catalogs, and grant suitable certificates or associate degrees. (pp. 1438-1439)

b. ● Coordinating Commission for Technical Community Colleges is created to facilitate the sharing of expertise and resources and avoid duplications and inefficiencies in educational programs among community colleges. (p. 1443)

c.

d.

e.

f.

g.

h.

i.

j.

k. ● The Legislature is authorized to appropriate funds to be distributed to the technical community colleges in the same proportion as the FTE student enrollment. (p. 1442)

4. Administration (NE-04):

a.

b.

c. ● Examination and audit of accounts and records, including FTE student enrollment, shall be filed annually with the Department of Administrative Services and the Coordinating Commission for Technical Community Colleges. (p. 1438)

NE-05

2. Application (NE-05):

State universities and state colleges (4-year and more).

Article 7, Independent Institutions of Higher Education, was declared unconstitutional, eliminating public grants that directly benefit private institutions. (p. 1875)

3. Coverage (NE-05):

a. • Article 9, Postsecondary Education, creates the Nebraska Coordinating Commission for Postsecondary Education to maintain cooperation, joint planning, and information sharing among educational institutions, and to act in an advisory capacity to the Legislature.

b. • Through the University Extension Division, the Board of Regents shall have the power to provide for holding classes at various localities, avoiding unnecessary duplication of courses offered by other institutions. (p. 1858)

c.

d. • The Board of Regents shall elect administrators and faculty of the University and fix their compensation. Faculty members who receive, in addition to a state salary, $10,000 or more a year in consulting fees shall file a report stating the total amount and the source. (p. 1859)

• The board of trustees shall appoint the staff and fix the compensation for the state colleges. (p. 1870)

e.

f.

g. • Article 5 establishes residency requirements for students for purposes of tuition, requiring that students not in the custody of parents or guardians execute an affidavit of intent as a permanent resident of the state. (p. 1874)

4. Administration (NE-05):

a. • The Commission establishes procedures on matters which affect more than one institution, specifically to address the issue of transferability of credit.

b. • The Commission administers student loans and grant programs from the federal and state governments and from public and private sources. It determines institutional eligibility for such loans when such determination is to be made by the administering state agency. (p. 1881)

c. • The Commission shall submit an annual report to the Governor and the Legislature which includes information on its activities, staffing, and expenditures. (p. 1882)

NEVADA

1. Identification:

NV-01

Chapter 394 - Private educational institutions and establishments (NRS 394.361 to 394.560 may be cited as the Postsecondary Educational Authorization Act. Abstract also contains material from sections 394.005 to 394.197 General Provisions, sections 394.570 to 394.610 Enforcement and Penalties, and sections 394.620 to 394.670 Restrictions on Granting Degrees.)

Enacted: 1975

Stated purpose: "It is the purpose of this chapter to provide for protection, education and welfare of the citizens of the State of Nevada, its educational, vocational and professional institutions, and its students...." (p. 13432)

Basic effect: Requires licensure of postsecondary educational institutions and permits for agents; restricts authority to grant degrees.

Basic coverage: Private degree and non-degree granting

NV-01-1

Regulations for Licensing and Operation of Private Postsecondary Educational Institutions

Dated: March 1976

Stated purpose:

Basic effect: Elaborates on standards and procedures for issuing licenses and solicitors' permits.

NV-01-2

Regulation on authorizing use of term college or university

Enacted: 1977

Stated purpose:

Basic effect: Requires a postsecondary educational institution to make application to the Commission on Postsecondary Institutional Authorization in order to use the term "college" or "university." Such application must include: (1) name of accrediting agency, if accredited; (2) if not accredited, name of accredited institution to which credits are transferable; (3) description of courses leading to degree, credit hours for each, and whether course credit is transferable for a degree to an accredited institution; (4) name of proposed degrees and subject field; and (5) preparation of each administrator and instructor.

No further abstract prepared.

NV-03

Chapter 396 -- University of Nevada System

Effective date: Revisions through 1975

Stated purpose:

Basic effect: Designates the system of universities, colleges, research, and public service units administered by the Board of Regents to be known as the University of Nevada System, and grants the Board the power to prescribe rules for its own government and the government of the university.

Basic coverage: Public degree and non-degree granting

NV-01

2. Application (NV-01):

"It is unlawful...to: 1. Operate in this state a [non-exempt] postsecondary educational institution...unless...[it]...has a currently valid license... 2. Offer...through an agent enrollment or instruction in, or the granting of educational credentials from a[n]...institution not exempted...whether the institution is within or outside this state, unless the agent...has a... valid permit... 3. Instruct...enroll...contract...for such purpose, or award any educational credential...unless [the institution]...complies with the minimum standards...and regulations... 4. Use the term 'university' or 'college' without authorization... 5. Grant...educational credentials without a license...." (p. 13454)

"No [entity]...other than a degree-granting institution, may award...a degree or honorary degree.... No [entity]...other than a degree-granting institution may: 1. Advertise...that it awards...degrees...; or 2. Solicit enrollment in courses of instruction...by making any such representation." (p. 13457)

"Postsecondary educational institution" means an academic, vocational, technical, home study, business, professional or other school, college or university, or any person offering educational services or educational credentials, but does not include any institution established under the laws of Nevada, another state, or the Federal Government at the public expense. It includes all school grades above 12. (13431)

"Degree-granting institution" means an educational entity located in Nevada or operating from a place of business in Nevada which offers courses leading to a degree and which is accredited by a USOE-recognized agency or which has filed and kept current an affidavit by the president of the institution stating that the majority of the course credits offered by the institution are generally transferable to at least one accredited college or university. (p. 13457)

Exemptions (from the Postsecondary Educational Authorization Act, not the restrictions on granting of degrees):

a. Institutions from preschool through the twelfth grade
b. Education sponsored by Commission*-recognized organizations for no fee, solely for members
c. Solely avocational or recreational education or institutions
d. Education offered by recognized eleeomosynary institutions so long as it does not lead toward educational credentials
e. Public institutions
f. Schools licensed under other Nevada laws or certified by the FAA (p. 13445)

NOTE: Accreditation by USOE-recognized regional or national agencies may be accepted as evidence of compliance with minimum standards. The Commission* may require further evidence and investigation.

NOTE: If an institution which an agent seeks to represent does not have a

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*The Commission on Postsecondary Institutional Authorization

Nevada license, the agent's permit application shall be accompanied by the information required of institutions for licensure.

NOTE: See definition of "degree-granting institution."

3. Coverage (NV-01):

A postsecondary educational institution must be maintained and a new institution must demonstrate that it can be operated in compliance with the following minimum standards:

a.

b.
- The quality and content of each course reasonably and adequately achieve the stated objective for which the course is offered. (p. 13448)
- Instruction shall be given in the essentials of the U.S. and Nevada constitutions including origin and history and the study of and devotion to American institutions and ideals. This instruction shall be given during at least 1 year of the college grades. (pp. 13432-13433)

c.
- Upon satisfactory completion of training, the student is given appropriate educational credentials. (p. 13448)
- No student shall receive a certificate or diploma without having passed a satisfactory examination upon the constitutions. (p. 13433)

d.
- The education and experience qualifications of directors, administrators, supervisors, and instructors reasonably insure that students will receive education consistent with the objectives of the course.
- The chief executive officer, trustees, directors, owners, administrators, supervisors, staff, instructors, and agents are of good reputation and character. (p. 13448)
- Instructors who teach on the constitutions shall be required to show, by examination or college credentials, satisfactory evidence of adequate knowledge of the origin, history, provisions, and principles of the constitutions. (p. 13433)
- See 3e, item 1.

e.
- The institution has adequate space, equipment, instructional materials, and personnel to provide education of good quality.
- The institution is maintained and operated in compliance with all pertinent local ordinances and state laws and regulations relative to safety and health.
- The student housing is appropriate, safe, and adequate.

f.
- The institution is financially sound and capable of fulfilling its commitments to students. (p. 13448)
- Surety bonds of at least $5,000 are required with applications for agents' permits, license applications, and renewals. (p. 13450)

g.

h.
- The institution provides students, prospective students prior to enrollment, and others with a catalog or brochure describing the programs offered, program objectives, program length, schedule of tuition, fees, and all other charges necessary for completion, cancellation and refund policies, other material facts likely to affect enrollment decisions, and any other disclosures specified by the Commission on Postsecondary Institutional Authorization.
- See 5d, item 8 regarding student loans.

i.
- Neither the institution nor its agents engage in advertising, sales, collection, credit, or other practices which are false, deceptive, misleading, or unfair.
- See Section 2 regarding restrictions on advertising the awarding of degrees.

j. • Adequate records and standards are maintained to reflect attendance, progress, and performance. (p. 13448)

• If an institution discontinues operation, its chief administrative officer shall file with the Commission the academic records of the institution including academic information customarily required for transfer or advanced study. If it appears to the Commission that these records are in danger of being made unavailable, it may seek a court order permitting seizure and shall maintain a file of records in its possession. (p. 13453)

k. • See 3i, item 1.

l. • The institution has a fair and equitable cancellation and refund policy which provides students who cancel during the first 25% of the course with a refund equal to 50% of the total fee or a proportional amount if the student has not paid the total. Institutions may, but are not required to, provide greater refunds or provide refunds after completion of 25%. (p. 13448)

m.

n. • See 3j, item 1.

4. Administration (NV-01):

a. • The Administrator of the Commission on Postsecondary Institutional Authorization shall administer the provisions of this Act. Duties also include establishing, with the approval of the Commission, minimum criteria, regulations, and procedures for licenses or permits sufficient to effectuate the purposes of the Act but not to unreasonably hinder legitimate educational innovation. (p. 13446)

• The Administrator may request any necessary information from any state agency and it shall be provided. (p. 13447)

• The Commission grants licenses and agents' permits. (pp. 13449-13450)

• The Office of the Superintendent of Public Instruction receives and files copies of affidavits pursuant to regulations adopted by the State Board of Education. (See the definition of degree granting institution in Section 2.) (p. 13457)

b. • The applicant for a license or an agent's permit may be investigated, if necessary. (pp. 13449-13450)

c. • Application for licensure shall be made on forms provided and accompanied by a published catalog or brochure, bond, and fees.

• Licenses are nontransferable. New owners must apply for a new license within 10 days of a change in ownership.

• Applications for agents' permits shall be made on forms provided and accompanied by evidence of the good reputation and character of the applicant.

• Except in cases of joint ownership, agents representing more than one institution must have separate licenses for each.

• See the NOTE in Section 2 regarding information to be provided by unlicensed schools. (p. 13450)

• See the definition of degree granting institution regarding filing of affidavits. (p. 13457)

d. • The term of a license shall not exceed 2 years. (p. 13449)

• An agent's permit shall not be issued for more than 1 year. (p. 13450)

e. • Fees shall be deposited in the State Treasury to the credit of the General Fund. Original and renewal fees for licenses are $50, and permits are $5. (p. 13453)

- Funds to carry out the provisions of the Postsecondary Educational Authorization Act shall be provided by legislative appropriation from the General Fund and paid as other claims are paid. (p. 13454)

f.
- A provisional license may be issued for a period shorter than 2 years if the Commission finds that the applicant has not fully complied with established standards. (p. 13449)
- See 5c, items 3 and 5.

g.
- The Administrator shall maintain a list of institutions licensed and agents permitted to operate in Nevada and make it available for the information of the public. (p. 13446)

5. Enforcement (NV-01):

a.
- The Administrator of the Commission on Postsecondary Educational Authorization, with the approval of the Commission, may investigate schools and agents, subpoena persons and documents, administer oaths, and require answers under oath to questions propounded by the Commission. (p. 13447)
- The Commission or State Board of Education may file an action for injunction.
- The Attorney General or District Attorney may bring any appropriate action in court for enforcement of this Chapter. (p. 13456)

b.
- Any person claiming damage as a result of an act by an institution or its agent which is a violation may file with the Commission a verified complaint setting forth the alleged violation and other information as required. A commissioner or the Attorney General may also file a complaint.
- The Commission shall investigate any verified complaint and may attempt to settle it by persuasion and conciliation. The Commission may consider a complaint after written notice giving a time and place for a hearing has been sent. (p. 13452)

c.
- If the new owners of an institution fail to apply for a new license within 10 days, the institution's license shall terminate. (p. 13449)
- A license or agent's permit shall be suspended by operation of law when the institution or agent is no longer covered by a surety bond.
- If the Commission determines that the applicant for a license or agent's permit fails to meet criteria for granting the application, the Commission shall notify the applicant of reasons. It may grant a renewal applicant an extension if the applicant has demonstrated a desire to meet the criteria and the Commission believes deficiencies can be corrected within the extension period. If an application for an agent's permit is denied, the Commission shall notify the institution represented of reasons. (p. 13451)
- Denial decisions may be reviewed at a hearing before the Commission, after which they are final unless judicially reviewed.
- A license or an agent's permit may be revoked or made conditional if the Commission reasonably believes the holder has violated the Act or its regulations. Notification is required and a hearing is possible.
- If an agent's permit is revoked, the institution represented and any other parties to a hearing shall be notified. (p. 13452)
- Any person aggrieved or adversely affected by a final Commission action or penalty imposed may obtain judicial review. (p. 13453)

d.
- A subpoena issued by the Commission may be enforced by any district court of the state. (p. 13447)

- Bonds are payable to the State of Nevada and shall be conditioned to provide indemnification to students, enrollees, or parents determined by a final judgment to have suffered damage as a result of any act by an institution in violation of this Act. The bonding company shall provide indemnification upon notice of judgment. The aggregate liability of the surety shall not exceed the penal sum of the bond. (p. 13451)
- After a hearing the Commission may issue and serve upon the institution or agent an order to cease and desist from an act in violation of this Chapter. (p. 13453)
- See 3j regarding power of the Commission to seize school records.
- Any non-exempt institution which instructs or offers educational credentials to a resident of Nevada submits itself to the jurisdiction of Nevada courts concerning any cause of action arising from a violation of this Chapter.
- Service of process upon any institution subject to the jurisdiction of the courts of Nevada may be made within or outside the state with the same effect as if the summons had been served within the state. (pp. 13454-13455)
- If the person to whom an institution is to provide educational services is a resident of Nevada at the time a contract or instrument of indebtedness is entered into, any of the following provisions of the document is invalid: (1) that the law of another state shall apply; (2) that the parties to the document consent to the jurisdiction of another state; (3) that another person is authorized to confess judgment; or (4) that fixes venue.
- Any lending institution extending credit for educational charges shall conspicuously mark on the face of any document of indebtedness "student loan." If the lending agency fails to do this, it is liable for any damage incurred by any subsequent assignee on acount of the absence of the notation.
- Whether or not the notation appears, the lending agency and any assignees are subject to all defenses and claims which may be asserted against the educational institution to the extent of the unpaid portion of the indebtedness. (p. 13455)
- If it appears to the Commission or Board that any person is violating this Chapter or its regulations, the Commission or Board may, on its own motion or on written complaint, file an action for injunction in its name in court for the purpose of enjoining a violation or for an order directing compliance.
- The right of injunction is in addition to any right of criminal prosecution. The existence of a pending Commission or Board action shall not bar an action for injunctive relief.
- Anyone who willfully fails to deposit academic records as required is guilty of a misdemeanor. Each day's failure is a separate offense. (p. 13456)
- Anyone violating restrictions on the granting of degrees is liable for a civil penalty not to exceed $2500 for each violation which shall be recovered in a civil action brought in the name of the State of Nevada by the Attorney General or by any district attorney. Each violation is defined as a single violation, or a continuous or repetitive violation arising out of the same act.
- The Attorney General or district attorney may bring action in court to enjoin violations of degree granting restrictions.
- Persons violating these restrictions are guilty of a gross misdemeanor (a criminal penalty). (p. 13458)

NV-01-1

2. Application (NV-01-1):

Same as NV-01.

"Any postsecondary institution located outside the State of Nevada which solicits within the state through representation...must meet the minimum standards...of the Act, and in the regulations...." (p. 17)

"No person representing a privately owned postsecondary institution located in...Nevada...shall...solicit or sell in Nevada any course for a consideration...unless he first secures a permit...."

"No person representing a privately owned postsecondary institution located outside...Nevada shall solicit or sell in Nevada any course unless he first secures a permit...." (p. 16)

NOTE: See the paragraphs above regarding out-of-state institutions.

3. Coverage (NV-01-1):

a.

b.
- Once a contract has been signed, the school must provide the program as stipulated. Any substantive changes must be approved. (p. 11)
- See 4c, "Quality of Instruction."

c.

d.
- For degree granting institutions, the administrators of academic affairs must possess an earned degree at the master's level from an accredited university or college or equivalent qualifications, and at least 2 years experience.
- For degree granting institutions, every class must have an instructor who has an earned bachelor's degree from an accredited university or college or equivalent skill attested to by authorities generally recognized in the field.
- For degree granting institutions, part-time instructors are not required to hold a degree, but must possess the skill necessary to instruct their part of the course. In no event may a part-time instructor teach more than 40% of the course or be responsible for giving the final grade.
- For non-degree granting institutions, the director of instruction must hold either a bachelor's degree from a recognized accredited university or an appropriate administrative or vocational endorsement from the State of Nevada.
- For non-degree granting institutions, each class must have an instructor who possesses a valid and appropriate teaching certificate or vocational endorsement from the State of Nevada. (p. 6)
- Restrictions for part-time instructors in non-degree granting institutions are the same as in degree granting institutions.
- Any person who has been convicted of a felony or a crime involving moral turpitude within 5 years prior to application for a license or certificate to teach will automatically be precluded from having any ownership,

administrative, or teaching responsibility. Any conviction prior to 5 years will be reviewed.

- See 4c, item 4 regarding submission of character references.

e.

- Proposed facilities (including remodeling) shall be delineated by plans and specifications prepared by licensed architects or engineers. Plans shall meet all of the requirements of local planning commissions and shall conform to the requirements of a specified building code.
- Facilities shall be inspected and approved for conformity with fire and safety, building, sanitation, and zoning codes.
- Facilities or plans shall be inspected and approved by the Commission on Postsecondary Educational Authorization or its Administrator for conformity with acceptable educational standards and specifications and for compliance with all regulatory requirements prior to licensure. (p. 5)
- In normal classrooms, the 15 square foot minimum student space allocation requirement will apply, except occasionally in lecture-type situations where local building and fire codes shall apply.
- Leased or rented facilities must be bound by a contract or lease agreement which stipulates length and conditions, and must be signed and filed with the Commission. (p. 5a)

f.

- See 4c, "Financial Stability."
- The Commission may, to insure coverage of students' tuition, increase the base amount of the institution's or agent's bond. These bonds for $5,000 shall be conditioned for the faithful performance of all agreements and contracts with students. (p. 8)

g.

- The applicant must assure the Commission, on forms provided, that enrollment is open to all who meet entrance requirements regardless of age, sex, or national origin. (p. 11)

h.

- Advertising or promotional materials must disclose that the postsecondary institution is a school if this is not apparent from its name.
- A detailed and explicit description of the placement service must be contained in the school catalog if the institution represents that it has one.
- Schools must post, in a conspicuous place, a statement developed by the Commission indicating where a student may file a complaint or grievance. (p. 10)
- Each student of a non-degree granting institution must receive a signed, binding contract, approved as to content and format by the Commission, containing as a minimum: (1) name of school, address, and telephone number; (2) name of student, address, and telephone number; (3) title of course(s) contracted; (4) minimum number of classroom hours with beginning dates; (5) payment schedule and total cost of course(s), showing effective dates; (6) in bold type, the refund policy of the school; (7) applicable provisions as required by a fund or agency source outside the school (e.g., veterans training, federally insured student loans) if the student is contracted under a document of indebtedness relating to such funds; (8) in bold type, disclaimer that "job placement is not guaranteed or promised"; (9) statement, in bold type, that the student has read and understands the document, has received the catalog of the school, and understands that the catalog is part of the contract; and (10) credit for previous training. (p. 11)
- Every student of a degree granting institution must receive a signed, binding contract, approved by the Commission as to content and format, containing as a minimum: (1) name of school, address, and telephone

number; (2) title of program of study or degree for which enrolled; (3) total number of credits for completion of program or degree; (4) total tuition cost; (5) reference to the applicable provisions in the catalog relative to the refund policy of the school and document of indebtedness; (6) statement, in bold type, that the student has read and understands the document, has received the catalog of the school, and understands that the catalog is part of the contract; and (7) credit hours transferable, if applicable. (pp. 11-12)

- A copy of the catalog or brochure, approved by the Commission, must be given to each student prior to enrollment. Its contents are included as part of the enrollment agreement and must include at least the following items: (1) identifying data (e.g., volume number, date of publication); (2) name of the school and its governing body, officials, and faculty; (3) calendar of the school year showing legal holidays, beginning and ending date of each course, and other important dates; (4) policy on enrollment, including entrance requirements and enrollment deadlines; (5) policy relative to standards of progress, including grading system, minimum grades considered satisfactory, conditions for interruption and the probationary period, and conditions of readmission; (6) policy relative to leave, absences, class cuts, make-up work, tardiness, and interruptions for unsatisfactory attendance; (7) policy relating to student conduct and conditions for dismissal; (8) detailed schedule of fees and charges; (9) refund policy; (10) description of the available space, facilities, and equipment; (11) detailed description of each course of study or program, including objectives, hours of scheduled time for completion, and credit earned; (12) policy relative to granting credit for previous education and training; and (13) certificate of completion or diploma. (pp. 14-15)

i.
- An institution shall not use any name, label, insignia, or designation which misleads or deceives prospective students as to the nature of the school, its accreditation, programs, or methods.
- Specific wording to be used in advertising regarding licensure is given. Use of the official seal is prohibited. The size of wording relating to licensure is limited.
- An institution shall not falsely represent that it is connected with the federal or state government, that it is an employment agency or authorized training facility, or otherwise deceptively conceal the fact that it is a school.
- If an institution conducts its instruction wholly by correspondence, clear and conspicuous disclosure of such should be made in immediate conjunction with its trade or business name.
- An institution shall not, without conspicuous qualification, represent that it is accredited, unless all of its program of instruction has been accredited by a USOE-recognized accrediting agency.
- An institution shall not represent that students completing a course may transfer credit without factually documenting transferability. (p. 9)
- An institution shall not misrepresent its size, reputation, location, facilities, equipment, the nature or efficacy of its courses, training devices or methods, or the number or qualifications of its faculty. (p. 9a)
- An institution shall not falsely represent that it will provide employment for students.
- An institution shall not represent that it is a nonprofit organization unless such is the fact.

- An institution shall not falsely represent that it is affiliated with a public or private religious or charitable institution or political organization.
- An institution shall not represent that only those who successfully complete a certain test will be admitted if enrollments are not thus limited.
- An institution shall not falsely represent that applications will be considered for only a limited period of time or that they must be submitted by a certain date.
- In obtaining leads to prospective students, an institution shall not use advertisements which are classified "Wanted to train for...," "Help Wanted," "Employment," "Business Opportunities," or similar terms so as to represent that employment is being offered.
- See 3h, item 1.
- An institution shall not falsely represent that a course may be taken for a specified price, a saving, or a reduced price, or otherwise deceive students with respect to the cost of a course or any equipment, books, or supplies.
- See 3h, item 2.
- Any advertising through any media which cannot be changed within 7 days (e.g., classified telephone directory or national advertising) requires approval by the Administrator prior to its being printed.
- No institution shall falsely represent that it operates a dormitory, eating, or other living accommodations. (p. 10)
- Before a school may use a dba (doing business as) or fictitious name, it must have the new name approved by the Commission. After approval the name must be registered in the school's county, and the registration filed with the Commission prior to authorization. (p. 15a)

j. - The license applicant must describe the records that will be maintained and the standards of performance required of its students. A separate permanent file must be maintained on each individual and must include as a minimum: (1) copy of the enrollment contract fully filled out and signed; (2) record of all payments and refunds; (3) permanent record of progress; (4) record of attendance; (5) all correspondence with the student; and (6) listing of appointments made by the school in assisting students to find employment.
- Records must be maintained in toto for at least 3 years after the student leaves the institution.
- A permanent file showing dates of attendance and transcripts must be maintained. (p. 12)
- Agreements or contracts between a school and a student shall be maintained for at least 5 years and be available for inspection during regular school hours by the Commission or the State Attorney General's Office. (p. 13)

k. - Methods of financing construction of facilities shall be included with plans. (See 3e.) (p. 5)

l. - In the event a student withdraws prior to the start of classes, he/she is entitled to a complete refund except for a non-refundable registration fee which shall not exceed 5% of the tuition or $50, whichever is less. Registration fee shall include the actual cost of enrolling, and may include the cost of student interviews, processing applications, credit checks, and an allowance for reserving the student's place in class, but shall not include the cost of advertising, salesman's commission, overhead, or cost of instructional materials used in class. If the actual cost of registering a student exceeds $50, the school shall submit a justification. The Administrator has discretion to deny the excess charges above $50 as being excessive.

- See NV-01, 3l for refund provisions.
- Any materials or equipment purchased as part of the regular course cost shall be considered paid as part of the student's obligation to the school and shall not be returned except where the cost of the materials or equipment exceeds the 50% course cost or where the student sells them back to the school at cost.
- Any fee paid shall be refunded in full if the school discontinues the class.
- A fee collected in error shall be repaid in full.
- A student who is denied a refund after making a proper application to the school may request the Administrator to investigate the denial; if it is unjustified, the school shall be ordered to pay the refund within 10 days. (p. 13)
- A student enrolled under any veteran's education assistance plan may receive all refunds in accordance with the plan's refund requirements. (pp. 13-14)
- The Administrator may permit exception to a school's refund policy. (p. 14)

m.
- See 3h, item 2.
- See 3j, item 1, point 6.

n.
- Agents must show their permits prior to an interview or solicitation. (p. 16)
- The school office must have a telephone listed in the local telephone directory. (p. 5a)
- See 3j, item 1 regarding standards of performance.
- See 3l, item 3 regarding students' ownership of materials.

4. Administration (NV-01-1):

a.

b.
- See 3e, item 3 regarding inspection of facilities.
- A team of two to four persons will visit a provisionally licensed institution prior to expiration of the license and file a report with the Commission. (p. 15)

c.
- Quality of Instruction -- Licensure applicants are required to submit a description of each course of study on forms provided including: (1) the overall organization of the program; (2) its goal; (3) each instructional unit, including measurable learning objectives and evaluation instrumentation procedures; and (4) basic textbooks and instructional equipment.
- Licensure applicants shall submit plans which describe in detail the school's facilities, including parking. Plans for repairs shall also be submitted. (p. 5)
- See 3e, item 5 regarding submission of lease contracts.
- Owners or administrators may be required to submit at least three character references from persons who have known the applicant for 1 year and are not family members or business associates. (p. 7)
- Financial Stability -- License applicants shall submit the following information, certified as true, on forms provided: (1) statement of the source of all investment capital received; (2) statement of disposition of this investment capital identified by recipient and amount received, purpose of expenditure or use, balance, if any, and place of deposit; (3) current inventory of assets received to date, identified

by recipient and amount received, purpose of expenditure or use, and statement of liabilities as of date, including accounts payable, loans and notes payable, and any other financial obligations of the school; and (4) statement of obligations attendant to land purchase agreements, land sales contracts, lease agreements on land, and similar contracts involving acquisition of books, equipment, buildings, and furnishings for buildings. In no case may a current financial statement be more than 12 months old.

- License renewal applications must include points 3 and 4 of the above item.
- The Commission requires that an affidavit of power of attorney be given to it to substantiate the specific information submitted in the applicant's financial statement.
- Original license applications must include a proposed budget for the first year of operation for the academic year, summer sessions, and evening extension programs contemplated, including the following items: (1) anticipated income for the year, identified by source and amount, which includes: (a) cash on hand at beginning of year; (b) income, actual or anticipated, by source and amount for the year; and (c) total anticipated income; and (2) anticipated expenditures, which shall include: (a) administration, listing all administrative personnel by name and position and proposed salary, including living quarters, automobile, and attendant services to be furnished by the school. Other expenses of administration are to be listed by purpose and amount; (b) instruction, listing instructional personnel actually under contract or anticipated, indicating actual or proposed salaries, including an estimate of monies to be expended for textbooks, library services, and other expenses of instruction; (c) miscellaneous and auxiliary services, including proposed expenditures by category for health services, food services, student body activities, summer school, evening extension services, and recreation and community services; and (d) transportation expenditures, including cost of equipment or contract services for vehicle maintenance and operation of transportation and insurance. (p. 8)
- See 3i, item 17 regarding submission of advertising which cannot be changed quickly.
- See 3b, item 1 regarding approval of changes in program.
- See 3j, item 1 regarding information which must be provided concerning records.
- See 3l, item 1 regarding submission of justification for registration fees in excess of $50.
- Degree granting postsecondary institutions which are not accredited must file with the Office of the Superintendent of Public Instruction and keep current an affidavit by the president of the institution stating that the majority of the course credits offered are generally acceptable or transferable to at least one college or university accredited by a USOE-recognized accrediting agency.
- The burden of supplying sufficient copies of the completed application to the Commission is to be borne by the applicant. Once the application is complete, the institution will be advised of the number of copies required. (p. 15)
- See 3i, item 9 regarding submissions required to use a dba.

d. • See 4f.

e. • The application fee for a license is $50.

f. • All new institutions will be granted provisional licenses not to exceed 6 months for the purpose of demonstrating compliance. If students are not enrolled within the 6 month provisional period, an additional 6 month period may be given. The removal of provisions is considered at regular Commission meetings. Three actions are possible: (1) extend the provisional license for up to 90 days based upon minor unmet standards; (2) deny continued licensure based upon the school's inability to meet major standards; or (3) grant full term licensure not to exceed 2 years. (p. 15)

5. Enforcement (NV-01-1):

a.

b. • See 31, item 6.

c. • When surety on a bond is withdrawn, the failure of the school to secure a new bond shall cause suspension of the license or permit. (p. 9)
   • Licensure will not be granted unless plans for facilities present a schedule for construction and establish a firm date for completion. (p. 5)

d. • After receipt of a verified claim and supporting evidence by the bonding company from the Commission, liquidation must be effected within 60 days.

NV-03

2. Application (NV-03):

The University of Nevada System, including the Community College Division.

3. Coverage (NV-03):

a. • The Board of Regents shall plan new programs or expansion of existing programs of instruction and research and present such plans and anticipated appropriations biennially to the Legislature. (p. 13497)
b. • The Board shall have the power to prescribe the course of study, the commencement and duration of the terms, and the length of the vacations of the University. (p. 13496)
c. • No student shall receive a certificate or a diploma of graduation without having passed an examination on the Constitutions of the United States and of Nevada. (p. 13497)
   • The Board shall have the power to prescribe the time and standards of graduation.
   • The Board shall issue a diploma of graduation, conferring the proper academic degree from the University, to those who complete a full course of study as prescribed. (p. 13498)
   • The Board shall issue a diploma bearing the name of the department from which it was issued to those who complete a course of study not equivalent to a regular university course. (p. 13499)
d. • The Board shall have the power to fix the salaries of the academic staff.
   • The Board shall establish a system of probation and a fair dismissal system for the professional employees of the community college division. (p. 13488)

e.

f. • The Board of Regents are the sole trustees to receive and disburse all funds of the University. (p. 13493)
g. • There shall be no discrmination in the admission of students on account of sex, race, or color.
   • No person shall be admitted who is not of good moral character and who has not arrived at the age of 15 years and passed an examination prescribed by the Board. (p. 13497)
h. • The Board shall keep open to public inspection an account of receipts and expenditures; the meetings and the records of proceedings of the Board shall be open to the public. (p. 13486)

i.

j.

k. • The Board may fix a tuition charge, but tuition shall be free to residents of the state.
   • The Board may grant tuitions free to foreign and out-of-state students not to exceed 3% of the total enrollment of the preceding fall semester. (p. 13498)

4. Administration (NV-03):

c. • The Chancellor and other officers of the University shall make reports to the Board as appropriate or required, and the Board shall report annually to the Governor.

NEW HAMPSHIRE

1. Identification:

NH-01

Chapter 477 of Laws of 1969 (Sections 188-C:1 through 188 C:9), Regulation of Private Trade, Commercial, Correspondence, and Other Schools and Correspondence School Representatives

Effective date: 1 September 1969

Stated purpose:

Basic effect: Requires private commercial, correspondence, trade, and certain other schools doing business in the state to register and obtain licenses from the State Board of Education and to be bonded; requires representatives of correspondence schools to be licensed; requires attachment of Notice to Buyer (whose form is legally prescribed in another law) concerning "cooling-off" period to every contract between such school and student.

Basic coverage: Private non-degree granting

NH-01-1

Regulations for the Licensing of Private Correspondence Schools' Sales Representatives

Effective date: 1 September 1969

Stated purpose:

Basic effect: Describes information requested of applicants for a license to act as an agent for a private correspondence school.

NH-01-2

Regulations Relating to Private Trade, Commercial, Correspondence, and Other Schools as defined by RSA 188:C

Effective date: 14 June 1972

Stated purpose:

Basic effect: Elaborates procedures and requirements of NH-01; sets standards schools must meet in general, for catalogs, and for instructional staff qualifications.

NH-02

Laws and Procedures Relating to the Establishment and Evaluation of Institutions of Higher Education in New Hampshire (Sections 292:1 through 292:12-a of Revised Statutes Annotated, Voluntary Corporations and Associations)

Effective date:

Stated purpose:

Basic effect: Requires corporations being formed for the purpose of establishing an institution of higher learning to obtain consent for said incorporation from the Postsecondary Education Commission before articles can be recorded in the office of the Secretary of State; describes procedures to be followed and areas of evaluation to be considered before such consent is granted or denied.

Basic coverage: Private degree granting

NH-03

An act establishing a postsecondary education commission (Chapter 533)

Effective date: 1 July 1973

Stated purpose: "...to consolidate and improve the role of the state...in planning for the most effective use of its resources in providing adequate postsecondary education including vocational education for its citizens...." (p. 1)

Basic effect: Establishes the Postsecondary Education Commission to succeed both the Coordinating Board of Advanced Education and Accreditation and the Higher Education Facilities Commission.

Basic coverage: Public and private degree and non-degree granting

NH-04

Technical Institutes and Vocational-Technical Schools (Chapter 188-A)

Effective date: 1961; amendments including 1972

Stated purpose: "...to provide within its ability to finance facilities for the preparation of youth and adults for productive employment as technicians and skilled workers...." (p. 29)

Basic effect: Authorizes the State Board of Education to establish vocational-technical colleges in geographic areas throughout the state.

Basic coverage: Public degree and non-degree granting (2-year)

2. Application (NH-01):

"Every private commercial, correspondence, trade or other school charging tuition or fees which gives pre-employment or supplementary training, or both, established and operated in this state, shall be required to register and obtain a license...from the State Board of Education."

"Every representative...shall register and obtain a license to solicit and enter into contracts to provide training by correspondence school." (p. 2)

"School" is defined as a proprietary educational institution doing business in the state. Specific occupations are named under "commercial" and "other" types of schools.

Exemptions:

a. Institutions authorized to grant degrees or accepted as candidates for recommendation for such authorization.
b. Institutions licensed by another state agency.
c. Institutions operated by a business organization exclusively for training employees.

3. Coverage (NH-01):

A license shall be issued under Board regulations which shall establish minimum criteria such as:

a. ● Business procedures and ethical practices.
b. ● Educational program.
c.
d. ● Administrative and staff qualifications.
e. ● Facilities and equipment.
f. ● Financial stability.
   ● Bonds in the amount of $5,000 must be posted with the State Board before a license will be issued.
g.
h. ● Contracts shall obtain the Notice to Buyer required by another act (RSA 361-B) and be subject to that act. (See NH-01-2, 3h for description of notice contents.)
i. ● The Board shall establish by regulation minimum criteria for representative licensing in areas of personal integrity, qualifications, and conduct. (p. 2)
j.
k.
l. ● See 3h.

4. Administration (NH-01):

a. ● The State Board of Education issues licenses, promulgates regulations under this Act, establishes minimum criteria for school and agent licensing, may appoint an advisory committee, and may inspect schools. (pp. 2-3)

b. • The Board may at any time inspect the premises, curriculum, teaching materials, faculty performance, or sales literature of a school to determine that laws and regulations are being complied with.

c. • The school must supply bond and fee to the Board.

d. • School and representative licenses are renewable yearly. (p. 2)

e. • Fee for a school license shall not exceed $50; for a representative license, $10.

- Fees shall be retained by the Department of Education to meet expenses for administering this Act. (pp. 2-3)

5. Enforcement (NH-01):

a. • The State Board may, after due notice and hearing, revoke a school or representative license.

- See 4b and 5d, item 1.

b.

c. • Licenses may be revoked for violation of this Act or regulations after due notice and hearing, pursuant to the New Hampshire administrative procedures act.

d. • If a school fails to provide services contracted for with students, as determined by a court of competent jurisdiction, the bond shall be forfeited and proceeds distributed by the Board in such manner as justice and circumstances require. (p. 2)

- Violation of this Act shall be penalized by a fine of no more than $500. (p. 3)

NH-01-1

2. Application (NH-01-1):

"No solicitor representing a private correspondence school shall, in the State of New Hampshire, sell any correspondence course for...consideration unless he first secures a license from the State Board of Education." (p. 1)

Same exemptions as NH-01.

3. Coverage (NH-01-1):

h. • The Notice to Buyer shall immediately follow the place for the buyer's signature in boldface type larger than the contract text with a minimum size of 12 points, with NOTICE TO THE BUYER in capitals. (See NH-01-2, 3h for content.) (p. 1)

i.

j.

k.

l. • See 3h.

4. Administration (NH-01-1):

a. • The State Approving Agency of the Department of Education provides application forms and receives applications.

b.

c. • Information requested as part of the application includes: (1) name, address, and telephone number of the applicant; (2) name and address of the correspondence school; (3) name and address of applicant's employer(s) during the previous 5 years; (4) certification by the school that the applicant is authorized to sell its courses; (5) two passport size photos of applicant taken within current year; (6) $10 fee; and (7) copies of current advertising and promotional letters distributed to prospective pupils and a copy of the contract used in New Hampshire, including: statement of school policy and regulations concerning enrollment dates and specific qualifications for each course; description of facilities and equipment; statement that each school or agent shall deliver the school catalog to each prospective student before the student accepts enrollment; description of resident program requirements, if any, including facilities, equipment, and cost; description of the correction service, giving educational or vocational background of persons correcting the lessons; estimate of average time to complete each course; description of entrance requirements with forms or tests used; statement of school's educational objectives; description of the process of maintaining adequate student services; copy of the collection letters used by school or its lending agency; and statement of licenses, approvals, or accreditations granted by other authorities.

• Applications for renewal must be filed yearly.

- Neither school nor representative licenses are transferable. Representatives must be licensed for each school they represent, unless the schools have a common ownership. If employment ends, license must be returned to the Board. (pp. 1-2)

d. • Representative license expires yearly on 30 June.
e. • Annual license fee for representative license is $10. (p. 2)

5. Enforcement (NH-01-1):

a. • See NH-01, 5a, item 1.
b.

c. • See NH-01, 5c.
d. • See NH-01, 5d, item 2.

NH-01-2

2. Application (NH-01-2):

See first paragraph of Section 2, NH-01.

"School" means any persons, within or without the state, conducting a course of instruction for profit or a tuition charge. However, "private commercial, correspondence, trade, or other schools" are still defined as "doing business in this state." Only these schools are licensed. (pp. 1-2)

NOTE: See 3h, item 2.

3. Coverage (NH-01-2):

a. • See NH-01, 3a.
b. • See NH-01, 3b.
   • No license shall be issued unless the Board determines that courses, curricula, and instruction are consistent in quality and content with recognized accepted standards for type of course offered.
c.
d. • See NH-01, 3d.
   • No license shall be issued unless the Board determines that the applicant employs a sufficient number of instructors qualified by experience and education to give proposed training. (p. 3)
   • Each instructor must meet one of the following qualifications: (1) possession of a bachelor's or higher degree or equivalent in the field to be taught from a USOE-listed institution of higher learning or comparable school in a foreign country; (2) possession of a valid adult or secondary school teaching credential from this state or another in the field to be taught; (3) 5 years of successful experience and recognition as a tradesman or specialist in the trade to be taught, plus a journeyman's license if required in the trade; or (4) 5 years of a license to teach in the field from an appropriate state or federal body. (p. 4)
e. • See NH-01, 3e.
   • No license shall be issued unless the Board determines that the applicant has satisfactory training facilities, sufficient tools and equipment, and necessary number of work stations to adequately train students and has safe and sanitary student living quarters, if any. (p. 3)
   • Buildings used for school purposes shall comply with all laws and requirements concerning fire protection, hygiene, floor and air space, and ventilation. (p. 4)
f. • See NH-01, 3f, item 1.
   • See NH-01, 3f, item 2. Bonds shall be continuous and shall be conditioned upon faithful performance of all school contracts made with students. In lieu of bond, applicant may deposit with the State Treasurer the value of $5,000 in cash or securities legally purchasable by savings banks. (p. 2)
   • No license shall be issued unless the Board determines that the applicant has a sound financial structure with sufficient resources for proper use and support of the school. (p. 3)
g.

h.
- The Notice to the Buyer states that the agreement may be cancelled before midnight of the third business day after date of signature, by written notice to the seller by certified mail. Address to which cancellation may be sent must be entered by the seller. The Notice states that the seller must return to buyer, within 10 days of receipt of notice of cancellation, any payments or trade-in property and the evidence of indebtedness. Other provisions deal with the return of seller's goods to the seller.
- Every non-correspondence school shall state its refund policy. (p. 5)
- No license will be issued to a residence or residence/correspondence school until the Board is furnished a catalog containing: (1) identifying data, such as volume number or date of publication; (2) name of the school and its governing body and officials; (3) calendar of the school showing legal holidays, beginning and ending dates of each course quarter, term, or semester, and other important dates; (4) school policy and regulations relative to leave, absences, class cuts, make-up work, tardiness, and interruptions for unsatisfactory attendance; (5) school policy and regulations relative to standards of progress, which must define the grading system of the school, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory progress, any allowable probationary period, and conditions of re-entrance for those dismissed for unsatisfactory progress; (6) school policy and regulations relative to student conduct and conditions for dismissal for unsatisfactory conduct; (7) detailed schedule of fees, charges for tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other charges; (8) policy and regulations of the school relative to refunds; (9) description of the available facilities and equipment; (10) course outline for each course offered showing course objectives, subjects or units in the course, type of work or skill to be learned, and approximate time or clock hours to be spent on each subject or unit; and (11) school policy and regulations on granting credit for previous education and training.
- No license will be issued to a correspondence school until the Board is furnished a catalog containing all the above information plus all information described in NH-01-1, 4c, item 1, point 7. (NOTE: That point does not require the information to be in a catalog, but this document does.) (pp. 3-4)

i.
- See point 3 of 5c.

j.

k.

l.
- See 3h, items 1 and 2, and item 3, point 8.

m.
- "Placement service" is defined. No further reference or standard is made. (p. 2)

4. Administration (NH-01-2):

a.
- See 4a of NH-01.
- The Department of Education supplies and receives application forms. (pp. 2-3)
- See 4f.

b.
- See 4b of NH-01.

c.
- Licenses are not transferable and are void if the school is sold. (p. 2)

- Application for license renewals shall be on forms provided by the Department of Education. All information originally supplied by the school need not be re-submitted unless the Department so requests. (pp. 2-3)
- See 3h, items 3 and 4 concerning catalog which must be furnished to the Board.
- See 3h, item 2.
- The school shall give notice of change of staff to the Board. (p. 5)

d. • School licenses shall expire yearly on 30 June.

e. • Initial school license fee is $50; renewal fee is $25. (p. 2)

f. • Since the Board may amend regulations as part of its power to promulgate same, it shall notify all schools of such changes and grant a reasonable amount of time for compliance. (p. 6)

5. Enforcement (NH-01-2):

a. • See NH-01, 5a, both items.
- The State Board may refuse to grant a license. (p. 5)

b.

c. • See 5c of NH-01. Grounds for revocation or refusal may be any one or any combination of the following: (1) willful violation of the Act or regulations; (2) willful furnishing of false or misleading information to the Board; (3) willful presentation to prospective students of information on the school which is false, fraudulent, or misleading; or (4) refusal to allow reasonable inspection or supply reasonable information at written request of the Board. (pp. 5-6)

d. • See NH-01, 5d, both items.
- Bonds shall run to the State of New Hampshire and to any person who may have a cause of action against the applicant. Aggregate liability for all breaches of conditions of the bond shall not exceed $5,000. (p. 2)

NH-02

2. Application (NH-02):

"No articles of agreement for the incorporation of institutions for postsecondary or higher education shall be recorded...until...consent for said incorporation has been obtained from the [Postsecondary Education Commission]." (p. 3)

"No educational institution within this state shall grant degrees unless authorized by an act of the legislature to do so" (except public institutions under authority of the State Board of Education or those granting degrees and operating continuously since 1775). (p. 4)

Institutions which have not conducted regular instruction for 3 years and desire to resume instruction must submit plans for Commission approval in the same way as new institutions. (p. 3)

NOTE: "Procedures" on p. 10 (not part of statutory or regulatory provisions) distinguishes two categories of higher education institutions which will be included on the annual list issued by the Commissioner: (1) those accredited by the New England Association, which will ordinarily not be independently evaluated by the Commission; and (2) those approved by the Commission after satisfying its standards, which will be re-evaluated in accordance with the law at least every 10 years.

3. Coverage (NH-02):

Prior to granting a certificate, the Commission shall evaluate the following:

a.

b. • The characteristics of the programs of study.

c.

d. • The qualifications of the faculty.

e. • The adequacy of buildings, instructional facilities, and provisions for student safety and well-being.

f. • The adequacy of financial resources.

g.

h.

i. • No person shall use in any way the terms "junior college," "college," or "university" or any other term implying that an institution is one of higher learning unless it is incorporated under this Act. Petitions for changes of name must be approved by the Commission and be filed with the Secretary of State. Schools using such terms prior to 1 January 1965 are exempted. (p. 3)

j. • If an institution ceases instruction temporarily or permanently, academic records of all students who have been registered and an explanation of the credit and grading system shall be forwarded to the Commission.

• See item 4 of 4a.

4. Administration (NH-02):

a.
- The Legislature authorizes institutions to grant degrees except for those noted in Section 2, paragraph 3. (p. 4)
- The Postsecondary Education Commission evaluates plans for proposed institutions of higher learning as described in 3a-3f and approves articles of incorporation. The Attorney General or Assistant Attorney General must also approve such articles before they may be recorded.
- The Commission determines what degrees an institution may grant if they are of a level lower than those authorized by the Legislature.
- The Commission preserves student records sent to it by institutions ceasing operations and provides copies to students.
- Petitions for name changes must be filed with the Secretary of State.
- The Commission sets standards and procedures for evaluation of institutions.

b.
- Articles of agreement shall be submitted to the Attorney General or Assistant Attorney General, who shall endorse them if they conform to the provisions of this Act. He forwards them to the Postsecondary Education Commission which evaluates its plans relative to 3a-3f and gives approval if standards are met. Articles of agreement may then be recorded and a corporation with all rights and duties then exists. (pp. 1, 2, 3)

c.
- Articles shall set forth corporation name, objectives, place of business, signatures of associates who wish to incorporate, and post office addresses of each. (p. 1)
- Persons desiring to establish an institution of higher learning shall submit to the Commission plans covering matters in 3a-3f. (p. 3)
- See 3j regarding submission of student records if an institution ceases to do business.
- Non-profit corporations may change their names, eliminate limitations on assets, and may provide for distribution of assets upon dissolution by recording, in the office of the Secretary of State, a certified copy of the majority vote of the corporation to do such. (p. 5)

d.

e.
- Fee for recording articles or amendments thereto shall be $10. (p. 1)
- Fee for the Commission's furnishing of preserved student records to students shall be $1 and shall be credited to the Commission appropriation. (p. 4)

f.

g.
- See NOTE in Section 2 regarding Commission's list of schools.

5. Enforcement (NH-02):

a.
- The Legislature may at any time alter, amend, or repeal the charter of any voluntary corporation or the laws under which it was established or modify or annul any of its franchises, duties, and liabilities. (p. 5)
- See item 2 of 5d.

b.

c.

d.
- Any person violating paragraphs 2 or 3 of Section 2 shall be fined not more than $500.
- The Commission may institute action in any court of competent jurisdiction to prevent or restrain violation of the provisions of paragraphs 2 and 3

of Section 2, and the court may grant a mandatory injunction or otherwise as may be proper under the circumstances of the case. (p. 4)

- Remedy against a corporation for liability incurred before the Legislature takes action described in item 1 of 5a shall not impair such liability. (p. 5)

NH-03

2. Application (NH-03):

Planning and coordinating all higher education.

Amends RSA 186:13-b by adding provisions to evaluate and approve out-of-state institutions operating in New Hampshire.

4. Administration (NH-03):

a. • Postsecondary Education Commission evaluates and disapproves or approves and accredits any out-of-state institution of higher learning applying to establish a branch or extension courses in the state.
b. • Plans for branches or extension courses of out-of-state institutions must be submitted to the Commission and may be accredited for such period and under such regulations as the Commission determines. (p. 4)

5. Enforcement (NH-03):

a. • If out-of-state branches of extension courses are disapproved at any time by the Commission, all operations and publicity shall cease without delay.
b.
c.
d. • Any out-of-state institution establishing branches or extension courses without accreditation by the Commission shall be listed by the State Board of Education as non-approved, and the action shall be published through the press and through correspondence with colleges and secondary schools in the region. (p. 4)

NH-04

2. Application (NH-04):

Technical institutes, New Hampshire vocational-technical college system.

Technical institutes and vocational/technical colleges are authorized to seek accreditation in order to satisfy requirements necessary to achieve and maintain regional accreditation and for federal aid. (p. 30)

3. Coverage (NH-04):

a.

b. ● The programs of the technical institutes shall be designed to prepare qualified high school graduates as technicians who may serve as assistants to professionally trained personnel.

c. ● Each individual program of study offered should meet the requirements for professional accreditation and/or licensing of the specialty. (p. 30)

d.

e. ● The State Board of Education is authorized to establish technical institutes with dormitory facilities within the limits of appropriations. (p. 29)

f.

g.

h.

i.

j.

k. ● Tuition shall be charged for each enrollee as the State Board, with the consent of the Governor and Council, shall determine. (p. 31)
   ● The Board shall establish and administer a Loan Fund for giving loans to students in need of financial aid. (p. 32)

NEW JERSEY

1. Identification:

NJ-02

Subtitle 11 -- Private colleges, schools, and institutions; Chapter 67 - Titles of educational institutions; and Chapter 68 - Institutions conferring degrees

Legal origin dates from 1916; last revised in 1967

Stated purpose:

Basic effect: Requires licensure of most private degree granting institutions, approval of the basis or conditions under which they confer degrees, and approval of their names.

Basic coverage: Private degree granting

NJ-02-1

Regulations and Standards for Program Approval and Licensing of Institutions of Higher Education in The State of New Jersey

Dated: January 1975

Stated purpose: "To assist institutions seeking to fulfill the necessary requirements...and to aid the Department of Higher Education and the Board of Higher Education in making judgments concerning institutions...[and]...to protect the public interest when institutional good will, competence, or knowledge are absent." (p. 1)

Basic effect: Sets forth regulations and standards for the application of provisions of NJ-02.

NJ-02-2

Regulations and standards for proprietary institutions of higher education in New Jersey

Effective date:

Stated purpose: "...designed to recognize the distinctive character of proprietary institutions...." (p. 1)

Basic effect: Sets forth four additional regulations and four additional standards proprietary institutions of higher education must meet for licensure to operate and approval to award the degree of Associate in Applied Science.

NJ-06

Independent Colleges and Universities Utilization Act (Senate Bill 865)

Effective date: 1 July 1972

Stated purpose: "...to facilitate optimum utilization of all higher education resources in the State." (p. 13)

Basic effect: Authorizes state funds for financial assistance to independent, non-profit, non-sectarian colleges and universities in New Jersey to: (1) encourage them to enroll needy students of the state, increase enrollment of New Jersey students and lower for them the cost of education; (2) support specialized graduate and professional programs that fulfill state needs; and (3) allow them to share certain computer, library, and other services available to public institutions.

Basic coverage: Private degree granting

No further abstract prepared.

NJ-06-1

Assistance to New Jersey Independent Colleges and Universities: Manual of Administrative Procedures

Approved: 15 September 1972

Stated purpose:

Basic effect: Sets forth detailed procedures for NJ-06.

No further abstract prepared.

NJ-04

Title 18A: Education, Chapter 69, Article 1 - Private schools, regulations, etc.

Legal Source dates from 1940; substance last revised in 1942

Stated purpose:

Basic effect: Requires private vocational schools to obtain certificates of approval.

Basic coverage: Private non-degree granting

NJ-04-1

Rules of the State of New Jersey Board of Education for the registration and regulation of private vocational schools

Adopted: 7 March 1973

Stated purpose:

Basic effect: Sets forth rules for the implementation of NJ-04.

NJ-01

An act concerning higher education, establishing a Department of Higher Education--Chapter 302 (Higher Education Act of 1966)

Effective date: December 1966

Stated purpose: Establishes "...in the Executive Branch of the State Government a principal department...the Department of Higher Education...[consisting] of a Board of Higher Education, a chancellor, and such [staff] as may be employed...." (p. 1)

Basic effect: States that the duties of the Board are to advance long-range planning for the system of higher education, establish general policy for the governance of separate institutions, coordinate the activities of the system (both public and private), and maintain general financial oversight of the state systems of higher education. (pp. 3-4) Board powers regarding private degree granting institutions include licensure, approval of the basis or conditions for conferring degrees, and enforcement. (p. 5)

Basic coverage: Public and private degree and non-degree granting

NJ-05

County College Act as amended and supplemented: Title 18A, Chapter 64A

Effective date: July 1972 (incorporating amendments approved up to that date)

Stated purpose: "The Board of Higher Education shall establish rules and regulations governing the establishment of county colleges...and [their] operation...." (p. 9)

Basic effect: General policy and financial oversight of county colleges is a duty of the Board of Higher Education; each college board of trustees is granted the power and responsibility for management and control.

Basic coverage: Public degree and non-degree granting (2-year colleges)

NJ-05-1

Regulations and Standards for New Jersey Community Colleges

Effective date: 21 September 1973

Stated purpose: "The Regulations of the Board of Higher Education shall establish general policy for the governance of community colleges, shall coordinate the activities of the individual institutions...and shall maintain general financial oversight of the community colleges...." (p. 3)

Basic effect: Establishes procedures for applications of proposed colleges, licensure granting and renewal, and organization and administration by each community college board of trustees.

NJ-02

2. Application (NJ-02):

"No corporation shall furnish instruction...for the purposes of admitting any person to the grade of a degree, or shall confer...a degree...until it shall have filed a certified copy of its certificate of incorporation...and obtained...a license to carry on business...." (p. 161)

"No...institution of learning...shall admit any...person to the grade of a degree...without first submitting the basis or conditions thereof to the board of higher education and obtaining its approval thereof, and of the practice of conferring...degrees."

Except:

> "No section of [the provision above] shall apply to any...institution of learning...which was established and conducted...on April 1, 1887,...nor to any school conducted under the public school system." (p. 163)

3. Coverage (NJ-02):

a.

b.

c. • Institutions founded by a general act of the Legislature (or in the case of a seminary or school of theology by a special charter) may confer degrees except those authorizing the practice of medicine, dentistry, or law. Seminaries with a full collegiate course preparatory to the theological course may confer the degree of Bachelor of Arts as well as theological degrees. (pp. 160-161)

d.

e.

f.

g.

h.

i. • Only schools maintained by the state and the state university of New Jersey may use any words in their name indicating a relationship with the state.
   • Names commonly accepted as descriptive of collegiate or university institutions must be approved by the Board of Higher Education. (pp. 158-159)

4. Administration (NJ-02):

a. • The Board of Higher Education receives copies of certificates of incorporation, issues licenses, approves names, and approves the basis for conferring degrees. (pp. 158-164)

b.

c.

d.

e. • All monies recovered in enforcing this law shall be payable by the Board to the State Treasurer. (p. 166)

f.

g. • The Board shall keep a record of approvals and revocations which may be inspected by any person upon request. (p. 164)

5. Enforcement (NJ-02):

a. • The Board of Higher Education may revoke a license or an approval of the basis for granting degrees. (pp. 162-164)
- The Board, represented by the Attorney General, may institute civil action in the superior court to restrain any institution operating without a license. (p. 162)

b.

c. • Approval may be revoked for proper cause after a hearing and proof that the standards for conferring degrees are not being satisfactorily complied with. (p. 164)

d. • See 5a, item 2. The court may proceed in the action in a summary manner or otherwise. The costs of such action, fixed by the court, shall be paid by the corporation before the dissolution of any injunctive order or judgment. (p. 162)
- Conferring degrees during the revocation of approval to do so renders the institution and its officers liable to the same penalties as if no approval had been granted. (p. 164)
- Conferring degrees without approval is punishable by a penalty of up to $300 for each offense.
- Upon failure to pay any money judgment rendered, the defendant shall be committed to the county jail for up to 90 days. (p. 165)

NJ-02-1

2. Identification (NJ-02-1):

NOTE: Any institution legally operating in another state that wishes to establish a branch or branches or to offer courses in New Jersey shall apply in the same manner for a license and for degree granting approval, and shall be judged by the same standards as New Jersey institutions. (pp. 13-14)

3. Coverage (NJ-02-1):

a.
- Each institution shall maintain appropriate and operationally effective statements of purpose and shall review them for revision and improvement at least every 5 years. (p. 4)
- Each institution shall be organized to provide efficient administrative, program, and resource support for the attainment of its purposes.
- Each institution shall operate under a governing board.
- Administrative responsibilities and authority shall be clearly specified. (p. 5)
- See Section 6 regarding efficient use of the institution's resources.

b.
- The educational program shall reflect and support the purposes of the institution.
- The program shall include course work and other activities extending over a sufficient period of time and in sufficient intensity to fulfill the purposes of the institution.
- Course aims, requirements, standards of evaluation, and examination procedures shall be clearly stated in writing.
- The processes for establishment, development, and review of educational policy shall be clearly defined in writing.

c.
- A diploma, certificate, or degree awarded shall constitute evidence that the recipient has attained a satisfactory measure of the educational purposes of the program. (p. 8)

d.
- The faculty shall consist of professionally prepared and able teachers whose background and experience are suitable to their responsibilties.
- The faculty shall be sufficient in number; the proportion of part-time members and the student/teacher ratio shall be such as to assure the effectiveness of the educational program.
- Faculty responsibilities shall be defined in terms of hours taught, preparation required, number of students, level of instruction, research expected, and administrative, committee, and counseling assignments. (p. 10)
- The library shall be staffed by qualified professionals and others in numbers sufficient to serve the needs of students and faculty. (p. 11)

e.
- Safety provisions relative to all aspects of institutional life shall be maintained. (p. 5)
- Each institution shall carry insurance adequate to protect its financial interests. (p. 7)
- Instructional materials and equipment appropriate to the attainment of the institution's educational objectives shall be available. (p. 8)
- Each institution shall adopt and implement a library policy adequate for the support of its statement of purpose, the nature of the educa-

tional program, and the enrollment. The statement shall define the size, nature and scope of library holdings, faculty involvement in determining library policy, and the extent to which the library is planned to be self-contained or to draw on other sources.

- There shall be annual appropriations for purchase of books, periodicals, journals, and non-print media. (p. 11)
- The physical facilities shall be sufficient for attainment of the institution's purposes and shall be safe and adequate in size, quality, and number to safely accommodate the students, faculty, and staff. (p. 12)

f. ● Each institution shall have financial resources sufficient for the realization of its purposes and characterized by an adequate stability to give promise of continuity for an extended period of time.
● Each institution shall have a well-developed plan for long-range financial development which includes a program designed to secure gifts, endowments, and income.
● Each shall maintain adequate financial records which shall be audited annually by an independent CPA knowledgeable in accounting practices used by colleges. (p. 7)
● See 3e, item 2 regarding insurance to protect financial interests.

g. ● Each institution shall have a clearly defined admissions policy appropriate to its purposes and shall admit those students whose educational interests and abilities qualify them to pursue a program that is offered. (p. 12)

h. ● Official catalogs shall be printed at intervals not to exceed 2 years and in quantities sufficient to supply interested persons. (p. 13)

i. ● Institutions planning a program that requires approval shall not advertise the program, or solicit or enroll students until approved. (p. 8)
● All information officially released by the institution shall be true and accurate. (p. 13)

j. ● Each institution shall maintain accurate records of the individual student's progress in attaining the institution's purposes.
● At any point, an institution shall be able to provide a transcript showing dates of attendance and academic performance of all who have attended. Should an institution terminate its activity, adequate provision shall be made for permanent deposit of and access to the transcripts. (p. 12)

k. ● If an institution includes contributed services in its accounts, the value assigned to those services shall be realistic in terms of current conditions.
● Each institution shall plan its expenditures by budgeting with provision for priority allocation in support of specific institutional purposes. (p. 7)

l.

m.

n. ● Summer, evening, and extension work shall be considered part of the total program and shall be judged by the regular criteria. (p. 9)
● See Section 6 regarding branches.
● Each institution shall provide educational and personal services and facilities adequate for assisting students to succeed. (p. 12)

4. Administration (NJ-02-1):

a. ● See 4c below.
b.

c. • Copies of all statements of purpose and, when required by the Department of Higher Education, implementation schedules shall be promptly filed with the Chancellor. (p. 4)

6. Other (NJ-02-1):

Student enrollment shall be of sufficient size to demonstrate a need for the institution, and to provide for effective use of the institution's human, physical, and financial resources. (p. 5)

The establishment of off-campus centers or branches shall have prior approval. A statement justifying the need for such a center, as well as provisions for meeting standards, shall be provided. (pp. 9-10)

NJ-02-2

2. Application (NJ-02-2):

Proprietary institutions of higher education may be licensed to operate and approved to award the degree of Associate in Applied Science, subject to conformation with NJ-02-1. Four additional regulations apply.

3. Coverage (NJ-02-2):

a.

b.

c. ● The degree authorized shall be the Associate in Applied Science.
d. Minimal standards for this degree were given in guidelines.

e. ● A proprietary institution offering a degree shall have a minimum library collection of sufficient size to adequately support the program offered. This shall normally consist of 5,000 titles of general and specific material for every single-purpose curriculum for each 500 students enrolled.

4. Administration (NJ-02-2):

a. ● Authority to operate and grant degrees is issued, reviewed, renewed,
b. and revoked at the discretion of the Board of Higher Education.

c. ● In the event of a change in ownership, a reassessment of the licensure and approval shall be made within 6 months to 1 year's time.
d. ● Authority to operate and grant degrees shall be for a definite period not to exceed 5 years.

5. Enforcement (NJ-02-2):

a. ● See 4a.
b.

c. ● See 4a.

NJ-04

2. Application (NJ-04):

"Every...school shall be required to register...and shall not be permitted to operate unless it receives a certificate of approval...."

The article applies to: (a) every nonsectarian private boarding school operating within the state, which is not incorporated as non-profit, or has not been in session annually for 20 years preceding 1940; and (b) every private school established and operating in the state, charging tuition or fees, which operates a program of trade and technical education or which gives pre-employment or supplementary training, or both, in the fields of industry, agriculture, music, or art.

Except:

a. Institutions subject to inspection by other state boards.
b. Private schools controlled by charitable institutions or religious denominations.

4. Administration (NJ-04):

a.
- The Commissioner (of Education?) registers schools, issues certificates of approval, designates examination officers, and requires submission of information.
- See 4b.

b.
- The County Superintendent of Schools or another designated educational officer shall be empowered to visit schools and conduct a full and complete examination of all facilities at any time during the operation period.

c.
- Schools shall be required to furnish information and reports from time to time as the Commissioner requires, on forms prescribed.
- An annual report shall be furnished.

d.
- Certificates may be renewed annually.

5. Enforcement (NJ-04):

a.

b.

c.
- Certificates may be revoked at any time for good cause.
- Failure to furnish reports or to conform in every particular to standards prescribed shall be deemed good and sufficient reason for disapproval or revocation of approval.

d.
- Any entity who shall operate a school without obtaining approval shall be deemed guilty of a misdemeanor.

NJ-04-1

2. Application (NJ-04-1):

A private vocational school (p.v.s.) is a profit or non-profit business enterprise in New Jersey which: (1) solicits students from the general public; (2) charges tuition and/or other fees; (3) offers instruction to groups of four or more; (4) offers preparatory instruction for entry level employment or for upgrading; and (5) offers courses which have at least 40% of the instructional hours devoted to shop, laboratory, skill development, or problem solving directly related to the occupational goal. (p. 1)

Exclusions (from the rules):

a. Institutions exempted by NJ-04.
b. Avocational, cultural, or recreational institutions.
c. Commercial driver schools licensed by the DMV.
d. Real estate schools licensed by the Real Estate Commission.
e. Instruction for the State Insurance Certificate approved by the Department of Insurance.
f. Instruction conducted by an employer for his own employees without cost.
g. Instruction conducted under contract with an employer at no cost to the employee except for books, tools, etc. which become the property of the employee. (pp. 1-2)

NOTE: When a school is owned by an out-of-state corporation, the owner shall be required to procure a certificate of authority to conduct business in New Jersey from the Secretary of State prior to approval. (p. 5)

3. Coverage (NJ-04-1):

a.
- The school shall not collect fees for student services or products.
- No student's product (except creative or artistic work) shall be sold.
- Where, as a necessary part of the instruction process, work is done on items that are not school-owned, the owner may be charged for the cost of materials and supplies. (p. 12)
- The school shall be established as a separate entity except with prior permission of the Department of Education. Any other business conducted in connection with the school shall take place for the benefit of the school. Visits to, use of facilities of, or periods of internship at off-premises facilities shall bear a direct relationship to the occupational goal and shall be clearly indicated in the course of study and school bulletin. (p. 2)

b.
- The p.v.s. shall offer only courses that have been reviewed, evaluated, and approved by the State of New Jersey Department of Education. (p. 6)
- See 4c, item 2 for contents of course outlines which must be submitted.

c.

d.
- Each school shall operate under a resident director who shall meet the following qualifications: (1) be a person of good character and have a reputation for ethical business practices; and (2) have completed a total of 6 years of academic, military, and/or job experience beyond

high school. (Included shall be a minimum of 2 years of practical experience in a supervisory, administrative, or teaching capacity.) (pp. 2-3)

- Instructors of trade and technical courses must meet the following requirements: (1) be a person of good character; (2) be of legal age; (3) hold a high school diploma or certificate of equivalency; (4) have successfully completed the learning period for one or more of the subjects to be taught through instruction, apprenticeship, or on-the-job training; (5) have at least 1 year of practical experience beyond the learning period; (6) hold an appropriate certificate, license, or rating if required by the trade; and (7) have completed at least 50 clock hours of professional preparation. (p. 3)
- Instructors of business courses must meet the following minimum requirements: (1) be a person of good character and meet the requirements of either 2 or 3 below; (2) have completed a 4-year curriculum in an accredited college with specialized training in subjects to be taught and at least 50 clock hours of professional preparation; or (3) (a) have completed at least 1 year of post-high school training in either an accredited college or an approved school of business with specialized training in the subjects to be taught; (b) have completed at least 3 years of experience in business closely related to the subject to be taught; and (c) have completed at least 50 clock hours of professional preparation. (pp. 3-4)
- Specific requirements for instructors of data processing courses are described.
- A supervising instructor shall meet the requirements for instructors and shall have completed at least 1 year of full-time or 2 years of part-time teaching.
- School administrative staff (e.g., business manager, director of admissions, director of placement, etc.) shall: (1) be a person of good character; (2) be of legal age; and (3) have acquired through education and/or experience knowledge of administrative and personnel procedures and practices.
- The proposed owner(s) of a p.v.s. shall be required to satisfy the Commissioner of Education that he (they) have a reputation for integrity and good business practices and to demonstrate a capability of establishing a legitimate school with reasonable prospects for successful operation. Character and financial references shall be required. (p. 5)
- The student/teacher ratio shall be such as to afford each student the opportunity to master the subject and the school to determine progress.
- For all shop or laboratory work where there are physical hazards, the ratio shall be a maximum of 25:1.
- For electronically equipped shorthand, typewriting, or keypunching laboratories, there must be a working station for each student and at least one qualified instructor must be present. (pp. 6-7)

e.
- The school shall have sufficient space, equipment, and supplies to provide space for each student. (See 3d, last item.)
- Facilities shall meet local and state requirements regarding fire, health, safety, zoning, and environmental protection.
- Equipment, supplies, and training aids shall be appropriate to the course and, as far as possible, similar to equipment currently in use. (p. 2)
- The school shall carry public liability and workmen's compensation insurance. (p. 5)

- Approval to operate a p.v.s. shall not be granted until the school conforms to existing federal, state, and municipal laws and regulations. Approval shall not waive any requirements established by legally constituted commissions or agencies. (p. 15)

f.
- The p.v.s. shall be required to demonstrate prior to approval and annually thereafter that it has sufficient financial resources to maintain its program for the period of the longest course to be offered.
- The Commissioner may require the school to post a performance bond equal either to the maximum amount of advance tuition required or $25,000, whichever is less.
- Performance bonds are not required of schools which do not require advance tuition for more than a 1-month period. (p. 5)

g.
- Students must be accepted on the basis of their ability to comprehend the subject and to benefit from the course.
- A student shall not be retained when it becomes evident that he or she cannot master the subject matter or benefit materially from it. (p. 12)

h.
- Charges other than tuition shall be expressed separately and shall be clearly stated in the school bulletin, enrollment agreement, or application. (p. 7)
- Where items such as books, equipment, or supplies are not included in tuition, required items shall be listed with their approximate cost.
- The p.v.s. shall use an enrollment agreement (student contract) which shall: (1) be prepared in duplicate, dated, and signed by the student and school. The student shall be furnished a copy of the agreement; (2) contain name and length of the course or program of instruction, tuition and other costs, and methods of payment; (3) contain information regarding scheduled hours of instruction, start date, and approximate completion date; (4) contain a statement of the registration fee and refund policy; and (5) contain school policy regarding termination of enrollment or reference to this policy in the school bulletin. (p. 8)
- Prior to approval, the p.v.s. shall prepare a draft copy of an official school bulletin which will be approved by the State Department of Education. A copy of the published bulletin shall be given to each student at enrollment. The bulletin shall be revised, subject to approval, as conditions warrant.
- Information that is subject to change (e.g., tuition and fees and instructional staff) may be in attachments physically affixed to the bulletin, and the bulletin shall include a specific reference to the attached information.
- After publication of the bulletin, if the school requests approval of new course(s), a condition of the approval shall be either the publication of a revised bulletin or the publication of a supplementary pamphlet.
- The school bulletin shall be the official statement and shall include at least the following items: (1) identifying data, such as volume, number, and date of publication; (2) name of the school, the members of the governing body, and officials and faculty; (3) calendar of the school showing legal holidays, beginning and ending date of each term, and other important dates; (4) policy on enrollment with respect to dates of enrollment and specific entrance requirements for each course; (5) policy relative to leave, absences, class cuts, make-up work, tardiness, and interruptions for unsatisfactory attendance; (6) policy relative to standards of progress required of the student, including the grading system, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress, a description

of the probationary period, if any, and conditions of re-entrance. A statement shall be made regarding record of academic progress kept by the school and furnished the student; (7) policy relating to student conduct and conditions of dismissal for unsatisfactory conduct; (8) detailed schedules of fees, charges for tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other charges; (9) policy relative to refunds; (10) a course outline for each approved course showing units, type of work or skill to be learned, and approximate time and clock hours; (11) a description of the available space, facilities, and equipment; (12) policy relative to granting credit for previous education and training; and (13) policy relative to the awarding of a diploma, certificate, or other evidence of successful completion. (pp. 10-11)

- The value, number, and source of scholarships shall be printed in the school bulletin.
- The school shall display its certificate of approval in a prominent place. (p. 14)
- See 3a, item 4 regarding publication of off-campus activities.

i.
- Names shall be selected with great care. The words "New Jersey" shall not be used. No title or name commonly accepted as descriptive of a college or university shall be adopted. Names shall not be changed without approval. (p. 2)
- Sales representatives shall be called admission, field, or sales representatives, not advisor or counselor. A representative shall: (1) be a person of good character; (2) be of legal age; and (3) have completed a course of training conducted by the school to insure full knowledge of programs, admission requirements, policies, regulations, and requirements for graduation. (pp. 4-5)
- All acts, statements, advertising, and representations of the school and its employees shall be considered as those of the owner(s). (p. 5)
- A school shall not permit its representatives to encourage students to leave a school or change enrollment plans.
- All representatives shall refrain from derogatory statements about other schools. (p. 12)
- All advertising shall be based upon fact. Anything which tends to mislead shall be deemed objectionable.
- A school shall advertise only as a school under its approved name and address and shall not advertise in conjunction with any other business or establishment.
- All advertising and promotional literature must clearly indicate that training or education, and not employment, is being offered.
- Schools must use only classified columns headed by "Education," "Schools," or "Instruction."
- Statements assuring or guaranteeing jobs or memberships in unions or other organizations shall not be used.
- Any advertising of the price of tuition must state the exact name of the course immediately followed by the number of instructional hours of the course. When the cost of tuition is advertised, the cost of tools, supplies, and all other charges shall be included in the advertising.
- Illustrations shall relate solely to the school being advertised, and shall clearly indicate which facility is shown.
- A school that is a member of any organization or association of schools shall limit any statement to prescribed wording.

- A school that is accredited shall limit any statement to prescribed wording.
- A guarantee of placement or of any certain wage or salary must not be promised or implied. (p. 13)
- The school may refer to approval only in stated terminology. (p. 14)

j.
- A p.v.s. shall maintain adequate records available to the Commissioner upon request, including: (1) courses approved; (2) correspondence with the State Department of Education and other governmental agencies; (3) copies of all promotional material, bulletins, and advertising; (4) records for each student showing attendance, absence, progress, grades, completion date of course, and such placement information as is known at the time of completion; (5) a personnel file on each school employee; (6) enrollment agreements and, where applicable, applications; and (7) a financial record of each student showing money paid and due. (pp. 11-12)
- Complete student records shall be held for at least 5 years. A permanent record card shall be maintained for each student indefinitely, showing the course attended and the date of completion or withdrawal. In the event of the closing of a school, the student's permanent record card shall be forwarded to the Office of the appropriate County Superintendent of Schools. (p. 12)

k.
- Tuition rates, fees, and/or other charges shall be filed with the Commissioner.
- Tuition charges shall be expressed on the basis of individual courses, where applicable. In cases of programs of instruction, tuition may be charged per course, program, or time period (e.g., semester, etc.).
- The school may charge an application fee for processing applications, procuring records, and testing. This non-refundable fee may not exceed $25.
- Schools may require a registration fee (tuition deposit) which shall be credited to the tuition account and shall not exceed 15% of the total tuition for the course or $100, whichever is less. (p. 7)
- The school shall not require students to purchase books, equipment, and supplies from the school if these are available on the general market.
- Changes in tuition and/or fees will not be made prior to their filing with the Commissioner.
- Increases in tuition and/or fees shall not apply to students already accepted for enrollment or in attendance in a single course. Increases applicable to programs which are divided into periods shall not apply to the first period for which new students are enrolled, or the current period for other students. (p. 8)
- Schools may offer financial assistance and/or scholarships upon the following basis: (1) work or service scholarships may be granted for actual performance. Remuneration shall not exceed current local rates; (2) funded scholarships may be granted as printed in the school bulletin; and (3) schools shall have a suitably named committee to administer their financial assistance and/or scholarship program. (p. 14)

l.
- The school may retain all or part of the registration fee. (See 3k for definition.)
- The school may require that all items purchased by the student be retained and not be subject to refunds.
- For courses of 300 hours or less, the school may retain the registration fee plus a pro-rata portion of the tuition calculated on a weekly basis.
- For full-time attendance in courses from 300 hours to 1,200 hours, the school may retain the registration fee plus: (1) 10% of the total

tuition for withdrawals in the first week; (2) 20% for withdrawals in the second or third week; (3) 45% for withdrawals after the third week but prior to the completion of 25% of the course; (4) 70% for withdrawals after 25% but not more than 50% of the course; and (5) 100% for withdrawals after more than 50%.

- For part-time attendance in courses over 300 hours in length, the school may retain the registration fee and: (1) 10% of the total tuition for withdrawals in the first 25 hours of schedule attendance; (2) 20% for withdrawals between 26 and 75 hours; and (3) after 75 hours the amount the school retains shall be calculated on the same basis as for full-time attendance.
- In cases where other fees have been charged, the refund shall be based upon the extent to which the student has benefited. For example, the graduation fee shall be refunded; the activity fee shall be pro-rated. (pp. 9-10)

m.

n.
- Enrollment agreements shall not become binding until 3 business days after the student receives confirmation of provisional acceptance from an appropriate school official (not the sales representative). (p. 9)
- See 3l, item 2 regarding books, tools, and equipment becoming the property of the student.

4. Administration (NJ-04-1):

a.
- The New Jersey Department of Education approves courses of p.v.s; the Commissioner of Education issues certificates of approval.
- See the note in Section 2 regarding the Secretary of State's authority to issue certificates of authority to conduct business in New Jersey to schools owned by out-of-state corporations.
- See 3j, item 2 regarding the power of the Office of the appropriate County Superintendent of Schools to receive permanent record cards.

b.

c.
- A franchised school shall submit a copy of the franchise agreement to the Commissioner. (p. 5)
- A course outline in sufficient detail for proper evaluation shall be submitted for each course submitted for approval. The outline shall contain: (1) course title; (2) vocational objective; (3) course content in outline form showing major items of instruction, the hours for each, and the total hours for the course; (4) plan of instruction in terms of shop or laboratory instruction and classroom instruction; (5) description of space, equipment, tools, and text to be used; (6) entrance requirements; (7) tuition and other charges; (8) scheduled hours of instruction; and (9) capacity of the school for any one session showing number of work stations and classroom spaces. (p. 6)
- A change in any item that was an element of approval must be approved by the Department prior to its announcement of the school. (p. 14)
- New owners of a school must submit an application for approval and evidence that they are qualified. (See 3d, item 7.) (pp. 14-15)
- A change in location shall be approved by the State Department of Education and proper local authorities. (p. 15)
- See 3k, item 1 regarding filing of school charges and 3k, item 6 regarding filing of changes in charges.

- See 4d, item 2 regarding return of personnel certificates upon termination.
- See 3f, item 1.

d.
- Approval of a p.v.s. is granted for 1 year.
- Certificates issued to the school for instructors, directors, sales representatives, and administrative personnel are valid as long as the person is employed by the school. They shall be returned to the Department of Education upon termination of employment. (p. 14)

5. Enforcement (NJ-04-1):

a.
- See 5c, item 3.

b.

c.
- A change in ownership may invalidate an approval. (p. 14)
- A change in location without prior approval shall invalidate an approval.
- Violations of these rules may be considered just cause for the revocation or refusal to renew a certificate of approval by the Commissioner of Education. Hearings shall be scheduled by the Department of Education prior to withholding or revoking a certificate by the Commissioner. (p. 15)

2. Application (NJ-01):

Includes approval of programs in which non-degree certificates might be granted.

Includes general planning and coordination of both public and equivalent private institutions of higher education.

Restricts the Board from administering the individual institutions, and from any financial oversight of private institutions. (p. 4)

Includes licensing private institutions, approving private degree granting conditions, and enforcing those statutes. (See NJ-02, Chapters 67 and 68.) (p. 5)

3. Coverage (NJ-01):

a. ● The Board of Higher Education shall establish new colleges, schools, units, divisions, institutes, departments, branches, and campuses, as required by the master plan, and with legislative approval.
   ● The state colleges shall be maintained to provide higher education in the liberal arts and sciences and various professional areas, under the government and control of each board of trustees of each college. (p. 11)

b. ● The Board shall not establish minimum standards in public institutions for individual courses or course content.

c. ● The Board shall establish minimum standards for all public institutions for degree granting, approve new programs and degrees, and approve discontinuance of degrees and programs; institutions shall not be prevented from establishing higher minimum standards for degree granting. (p. 4)

d. ● The Board shall set policy on salary and fringe benefits and shall establish general personnel policies for public institutions of higher education. (p. 5)

e. ● The Board shall make recommendations to the Governor and Legislature concerning appropriations for services and facilities furnished by institutions other than the state university; it shall make contracts on behalf of the state with such institutions in accordance with legislative appropriations; the Board shall see to the application of these monies for such purposes. (p. 6)

f. ● The Board shall maintain general financial oversight of the state system of higher education. (p. 3)

g. ● The Board shall establish minimum admission standards for all public institutions; individual institutions shall not be prevented from establishing higher minimum admissions requirements. (p. 4)

h.

i.

j.

k. ● The Board shall receive all budget requests from the institutions and annually submit a combined request for appropriations to the Governor; it shall fix and determine tuition and fees at the state colleges. (p. 5)

- The authority of the State Scholarship Commission and the Higher Education Assistance Authority is transferred to the Department of Higher Education. (p. 10)

4. Administration (NJ-01):

a. • The Board of Higher Education shall periodically review existing programs of instructions, research, and public service in the public institutions of higher education, and advise them of desirable changes. (p. 5)

b. • The Board shall exercise general visitorial powers of supervision and control by visiting public institutions to examine their manner of conducting their affairs and to enforce an observance of the state laws.

c. • The Board shall require from institutions such reports as may be necessary to enable it to perform its duties. (p. 6)
   • The Chancellor, subject to Board approval, shall make an annual report to the Governor and Legislature. (p. 7)

d.

e.

f.

g. • The Board shall keep the Governor, Legislature, and public informed through published reports, conferences, and other means. (p. 5)

5. Enforcement (NJ-01):

a. • The Board shall have the power to issue subpoenas compelling the attendance of witnesses and the production of records before it, its committees, the Chancellor, or any of his assistants. (p. 5)

NJ-05

2. Application (NJ-05):

County colleges (community colleges) offering programs of instruction extending not more than two years beyond high school.

3. Coverage (NJ-05):

a. ● The Board of Higher Education shall establish rules and regulations governing the establishment and operation of county colleges.

b.

c. ● The Board shall establish rules governing standards for granting diplomas, certificates, or degrees.

d. ● The Board shall establish rules governing minimum qualifications for professional staff members.

e.

f. ● The Board shall establish rules governing financial controls.

g. ● The Board shall establish rules governing nonresident attendance.
● Each college shall, to the extent its facilities will permit and subject to the regulation of the Board of Higher Education, accept students who are residents of any other county in the state. (p. 25)

h.

i.

j.

k. ● The Board shall establish rules determining tuition rates. (p. 10)

4. Administration (NJ-05):

a. ● Each board of trustees of a county college shall determine the educational curriculum and program, appoint administrative and teaching staff and fix their compensation, determine tuition rates and other fees, and grant diplomas, certificates, or degrees. (pp. 12-13)

b. ● The Board of Higher Education shall approve a petition from a county to establish a college on the basis of educational needs, proposed curriculum, and estimated cost. (p. 5)

2. Application (NJ-05-1):

County community colleges--public.

Each community college shall seek institutional accreditation by the Middle States Association of Colleges and Secondary Schools. (p. 39)

Students residing out of the community college county shall receive a certification of eligibility for chargeback assistance from the home county, and subsequently pay the in-county tuition rate. (pp. 25-26)

3. Coverage (NJ-05-1):

a. • The board of trustees of each college shall file with the Chancellor of Higher Education a statement of philosophy, purposes, and objectives of the institution, among which shall be to make education accessible to all adults and to provide students with diversified programs leading to varied educational and occupational goals. (p. 13)

b. • A curriculum coordinating committee shall review all new curriculum program proposals and make recommendations to the Board of Higher Education.

• The regular academic year shall fall within a 10-month period and include no less than 32 weeks of instruction. (p. 29)

c. • Each college shall be authorized to award associate degrees, certificates, and diplomas to students completing approved programs. Associate of Arts degrees require not less than 60 nor more than 66 semester hours; certificate programs shall offer fewer than 36 hours; diploma programs shall offer at least 30 hours and include at least 10 hours of general education courses. (pp. 29-30)

d. • Faculty should be professionally competent and generally should have an M.A. or equivalent in preparation in the subject or field to be taught. Student-faculty ratio should not exceed 25:1 and teaching load should not be less than the load in effect at state colleges. (pp. 45-46)

e. • Each college shall provide for an adequate library or learning resource center and physical facilities must meet space, safety, and health standards of the state. (pp. 55, 59)

f. • Each college shall annually submit a budget and an audit to the Chancellor. (p. 21)

g. • Each college shall publish in its catalog a statement of student rights and requirements for admission consistent with regulations established by the Board.

h. • Catalogs shall be updated every 2 years and submitted to the Chancellor; they should contain information such as institutional purpose, accreditation, school calendar, staff and its qualifications, expenses and refund policy, admissions and graduation requirements, and curriculum descriptions.

i.

j. • Student records should be protected and retained and confidentiality maintained by following guidelines established by the American Association of Collegiate Registrars and Admissions Officers. (p. 50)

k. • Each college shall annually file with the Chancellor a schedule of tuitions to be charged, which are not to exceed the maximum established by the Board; tuitions and fees should be specified in the catalog for residents, out-of-county, and out-of-state residents. (pp. 21-22)

l. See 3h.

m. • Each college should provide adequate student services such as guidance, financial aid, and job placement and follow-up. (pp. 49-50)

4. Administration (NJ-05-1):

a. • The Board of Higher Education shall establish general policy for the governance and financial oversight of the community colleges.

b. • No later than the third semester of operation, each college shall be visited by the Chancellor or designated representatives for purposes of granting initial state licensure. Each college shall seek accreditation by the Middle States Association. (p. 8)

• A community college may establish extension centers, branch campuses, or a two-county area college, with the approval of the Board of Higher Education. (p. 7)

• A petition for establishment shall include a statement of philosophy, a description of educational program offerings, a statement of minimum faculty qualifications, a statement of student admission requirements, a description of facilities, and a proposed first year operating budget. (pp. 7-8)

c. • Each college shall file with the Chancellor the annual report of the president, reports submitted to the M.S.A.C.S.S. for each stage of accreditation, and the M.S.A. accreditation report to the college.

• Each college shall file proposed program changes with the Chancellor. (p. 31) New diploma programs shall be submitted to the Board of Higher Education for approval. (p. 36)

d. • Authorization to open shall constitute licensure for a period of 2 years. Renewal shall be for a period not to exceed 3 years, except that accreditation by the Middle States Association and adherence to all pertinent laws and regulations shall fulfill continuing licensure requirements.

NEW MEXICO

1. Identification:

NM-01

Post-Secondary Educational Planning Act (Article 44, Chapter 233, Laws of 1973)

Last revised: 29 March 1973

Stated purpose:

Basic effect: Established 1202 Commission. Only consumer protection responsibility is "...assessment of present and projected needs for the various types of post-secondary education in all parts of the state...." (p. ii)

Basic coverage: Public and private degree and non-degree granting

No further abstract prepared.

NM-02

Postsecondary Educational Institution Act (Article 40, Chapter 148, Section 1, Laws of 1975)

Effective date: 8 April 1971

Stated purpose: "...to improve the quality of postsecondary education and to prevent misrepresentation, fraud and collusion in offering educational programs to persons over the compulsory school attendance age." (p. 1)

Basic effect: Requires schools domiciled in-state and their agents to obtain permits or certificates of approval from the Board; requires schools to meet minimum educational standards.

Basic coverage: Private non-degree granting

NM-02-1

Regulations for the Issuance of Certificates of Permit and Approval to Private Proprietary Schools and Colleges in New Mexico

Effective date: May 1975

Stated purpose:

Basic effect: Describes information required in school applications for license; describes application procedures and sets standards in a few areas.

NM-02-2

Standards and Guidelines for Certifying Private Proprietary Schools and Colleges

Effective date: May 1975

Stated purpose: "[(1) to serve as]...standards and guidelines by which a school's management and instructional staff may evaluate the school; [(2) to serve as] a checklist for the Visiting Team in making a personal examination of the school; [and (3) to be] used by the Bureau of Educational Finance, Commission on Postsecondary Education in reviewing...evidence [for school licensing]." (p. 1)

Basic effect: Sets standards schools must meet for certification; used for both in-state domiciled and out-of-state domiciled schools, so also applies for NM-03, but frequency of use is small.

NM-03

Out-of-State Proprietary School Act (Article 41, Chapter 107, Section 5, Laws of 1975)

Last revised date: 1 July 1971

Stated purpose:

Basic effect: Restricts agent solicitation practices for out-of-state schools and requires agents to obtain permits; requires schools domiciled out-of-state to obtain permit if in-state instructional services are offered.

Basic coverage: Private non-degree granting

NM-03-1

Regulations for Non-State Resident Correspondence Schools and Other Private Proprietary Non-State Resident Schools and Colleges

Effective date: May 1975

Basic effect: Describes information required in school application for license; describes application procedures and sets standards in a few areas. Regulations are identical to NM-02-1 except where noted.

NM-04

Laws Pertaining to the Board of Educational Finance

Effective date:

Stated purpose: Creates "...a board of educational finance whose function shall be to deal with the problems of finance of [public] educational institutions." (p. 1)

Basic effect: The Board is authorized to disburse available funds and approve institutional budgets.

Basic coverage: Public degree and non-degree granting

NM-05

Branch Community Colleges

Effective date: October 1974

Stated purpose: Defines branch community college educational program to include "...the first two years of college education and may include organized vocational and technical curricula of not more than two years' duration designed to fit individuals for employment in recognized occupations...." (p. 1)

Basic effect: Stipulates that no branch community college shall be established without authorization from the Board of Educational Finance and the agreement of the regents of the parent institution of higher education, and that laws concerning public school and higher education, when applicable, shall govern the operation of the branch.

Basic coverage: Public degree and non-degree granting (2-year institutions)

NM-06

Article 33: Junior College Act

Effective date: 1963; revised through January 1975

Stated purpose: "...to provide for the creation of local junior colleges and to extend the privilege of a basic vocational, technological or higher education to all persons who are qualified to pursue the courses of study offered." (p. 3)

Basic effect: Clarifies the method and procedure for the creation and financing of junior college districts and the duties of each junior college board. (p. 2)

Basic coverage: Public degree and non-degree granting (2-year institutions)

NM-07

Article 34: Technical and Vocational Institute Districts

Effective date: 1963; revised through 11 March 1975

Stated purpose: "...authorizing...the creation...of technical and vocational institute[s;]...providing for formation, financing, supervision and dissolution of...districts; and prescribing the powers and functions of such districts." (p. 2)

Basic effect: Stipulates the method for establishing a district; defines a technical and vocational institute as a public educational institution providing no more than 2 years of vocational and technical curricula and appropriate courses in the arts and sciences; and extends state financial support to such programs designed to fit individuals for employment.

Basic coverage: Public non-degree granting (2-year curricula only)

NM-08

Article 37: Area Vocational Schools

Effective date: 1967; revised through 14 March 1975

Stated purpose: "...to provide means whereby the state...in co-operation with school districts can provide facilities for training and preparation of students for productive employment as technicians and skilled workers, and to more nearly equalize educational opportunity." (p. 1)

Basic effect: Provides methods for establishing area vocational schools, prescribes powers and duties of the State Board of Education, and authorizes tax levies to develop facilities only where there is a sufficient number of students to permit a broad program of vocational and technical education with reasonable economy.

Basic coverage: Public non-degree granting

NM-09

Article 30: Miscellaneous Provisions Relating to State Educational Institutions

Effective date:

Stated purpose:

Basic effect: Compiles various laws and amendments primarily concerning appropriations for higher education, and duplicates some provisions found in other sections of laws.

Basic coverage: Public degree and non-degree granting

NM-02

2. Application (NM-02):

"It is unlawful to operate a postsecondary educational institution in this state without first obtaining a permit [provisional approval] or certificate of approval from the board.... (p. 2) No agent shall solicit a person in this state unless the agent first secures an agent permit...from the board." (p. 3)

"Board" means the Board of Educational Finance. (p. 2)

Exceptions:

a. Schools supported in whole or part by taxes
b. Schools accredited under any state occupational licensing law
c. Instruction provided by employers to employees
d. Schools offering only recreational or avocational education
e. Instruction sponsored by recognized fraternal, trade, business, professional, or labor organizations for instruction of members
f. Private schools which provide basic academic education comparable to public colleges or private accredited colleges
g. Out-of-state proprietary schools
NOTE: These are covered in NM-03.
h. Schools (including hospitals) accredited by a recognized accrediting agency
i. Schools whose credits are accepted for credit by three accredited schools of higher learning
j. Chartered non-profit religious schools whose sole purpose is religious training with religious vocational objectives
k. Schools offering only elementary or secondary education
NOTE: Schools described under f, h, i, and j must present to the Board satisfactory evidence that they qualify for exemption. (p. 2)
NOTE: Jurisdiction over degree granting schools is fuzzy. It appears that all in-state private schools are subject to licensing unless exempted, and that no specific authority over the granting of degrees exists apart from that. (See phone call to Robert Rhodes, 1/17.)

3. Coverage (NM-02):

Schools must meet standards established by the Board in order to receive permits or certificates of approval.

a.

b. • The Board shall set minimum standards for curriculum.

c.

d. • The Board shall set minimum standards for personnel.

e. • The Board shall set minimum standards for space, equipment, and instructional materials.

f. • The Board shall provide standards for evaluation of school financial stability and ability to meet commitments.

• A school shall post with the Board and renew annually (by 15 June) a surety bond in the amount of $5,000, unless specifically exempted (no reasons for exemption given); the bond may be increased on a sliding scale based on enrollment. (p. 3)

- Schools shall not solicit students in the state unless a current, valid bond is on file.

g. • Schools shall not deny enrollment to or make distinctions among students on the base of race, creed, or color. (p. 4)

h. • The Board shall determine what information should be furnished each student before enrollment.

i. • The Board shall regulate the use of deceptive or misleading advertising. (p. 3)

- Schools shall not solicit enrollment by use of fraud, misrepresentation, or collusion. (p. 4)
- Any representation that the Board's issuance of a permit or certificate of approval constitutes approval or accreditation for any purpose is prohibited. (p. 5)

j. • The Board shall require the maintenance of adequate records by schools and provide for reasonable availability of records for inspection. (p. 2)

k.

l. • The Board shall promulgate rules which provide for a tuition refund policy. (p. 3)

4. Administration (NM-02):

a. • The Board shall promulgate and file, in accordance with the State Rules Act, rules which shall set minimum standards in 3b, 3d, 3e, 3f, 3h, 3i, 3j, and 3l.

- The Board shall provide standards and methods for evaluation of programs and schools, approve accredited schools, enforce provisions of the Act, appoint an advisory committee, and provide for maintenance of records of schools which have closed. (p. 3)
- The Board shall cooperate with state and federal agencies in administering provisions of the Act.
- The Corporation Commission shall inform the Board of schools which apply for corporate charters.
- The State Department of Education shall provide technical assistance necessary to develop minimum standards for schools and any other assistance which would be of aid in administering the Act. (p. 5)

b. • A survey of the school, its curricula, and its physical facilities shall be made by an authorized employee of the Board, who shall make a written report. If the Board decides the school meets requirements for a permit or certificate, it shall issue it upon receipt of bond and other required material.

c. • A school shall apply to the Board for approval on forms supplied by the Board accompanied by: (1) fees; (2) evidence that it is prepared to carry out a program in person or by correspondence; (3) evidence that it can meet standards established by Board rules; (4) evidence that it can annually post the bond described in 3f; and (5) if a certificate of approval is sought, evidence of school operation under a permit issued by the Board for the previous 2 years.

d.

e. • Schools shall pay an annual application fee of not more than $100. (p. 2)

- Agents' permits shall cost at least $5. (p. 3)

f. ● See 4c, point 5. The Board issues a permit to a provisionally approved institution for its first 2 years prior to issuing a certificate of approval. (See NM-02-1, 4f.)

g. ● Existing schools had 90 days after the Act's effective date to apply for permit or approval. The Board considered the length of time a permit had been held by a school or its holding of a certificate of approval under the earlier State Domiciled Proprietary School Act in making decisions on such schools. (pp. 4, 5)

5. Enforcement (NM-02):

a. ● The Board gives notice to the school and/or agent of hearing date and place when a complaint is filed.
- The Board determines if a complaint is correct.
- If a school refuses to attend a hearing or effect settlement on a claim, the Board takes necessary action and notifies the principal on the bond.

b. ● A person having a claim against a school shall file a verified complaint with the Board, identifying the school and setting forth the basis of the claim. Claims shall be limited to the amount paid to the school or agent. Upon receipt of verified complaint, the Board gives 10 day's written notice of the hearing to all persons involved. Notice shall state that the hearing is an informal one for purpose of determining facts and to effect a settlement by persuasion and conciliation if the claim is correct. (p. 4)

c. ● See 5a, item 3.

d. ● See 5a, item 3.
- Bonds shall be conditioned to provide indemnification to any person enrolled who has been damaged as a result of fraud in procuring enrollment. (p. 3)
- It shall be a misdemeanor for a school to: (1) operate without a permit or certificate of approval; (2) solicit students without a currently valid bond in effect; (3) discriminate on the basis of student race, creed, or color; or (4) solicit by use of fraud or misrepresentation. Such violation shall be punished by a fine of not more than $1,000, imprisonment for not more than 6 months, or both. (p. 4)

NM-02-1

2. Application (NM-02-1):

No basic prohibition.

Exemptions: Same as NM-02.

NOTE: Schools which are exempt because they are accredited may, upon formal request, be issued a certificate of approval. (p. 3)

3. Coverage (NM-02-1):

f. • Unless exempted, schools shall file a $5,000 surety bond with the Commission. (p. 1)
   • Schools shall keep on file with the Commission records showing tuition and other costs, how paid, school refund policy, and copy of student enrollment contract.

g. • Certificates of permit or approval shall not be issued to schools which discriminate among students on the basis of race, creed, color, sex, or national origin.

h. • Schools must display the issued certificate of permit or approval.
   • Schools and/or agents must provide potential enrollees with a copy of course outlines, tuition charges, and the state tuition refund policy prior to enrollment.

i. • Schools must maintain ethical standards in advertising and solicitation as established by the Federal Trade Commission.
   • A school may be required to change its name before a certificate of permit or approval is granted if the Commission determines the name is or may be confusing or misleading to the public. (p. 2)

j.

k. • Schools under certificate of permit may not collect tuition more than 30 days prior to beginning of instruction.
   • Schools may not sell or discount student contracts or accounts receivable without student consent.

l. • The buyer of student accounts receivable must abide by the student refund policy.
   • Each school under a certificate of approval shall present to each prospective student prior to enrollment a published refund policy and a statement of all costs for completion of the course. The minimum policy is: (1) if a student cancels enrollment within 5 days after signing the application but prior to the opening of a session, all monies paid shall be refunded; (2) if a student cancels enrollment after 5 days of signing the application but prior to opening of a session, the school may not retain more than $100 of the enrollment fee and, upon request, must submit justification for retention of any fee; (3) if a student withdraws with written notice during the first half of a course, the school may not retain more than $100 plus a pro rata share, on a monthly basis, of total tuition; and (4) if a student withdraws during the second half of a course, no refund is due.

m.

n. • A school must implement a "student complaint policy," and notice of this policy must be conspicuously posted and also acknowledged by the student upon enrollment. (p. 3)

4. Administration (NM-02-1):

a. • The Commission on Postsecondary Education is the administrative arm of the Board of Educational Finance for purposes of these regulations.
   • The Commission: (1) inspects (or authorizes an employee to inspect) schools and approves or disapproves applications for certificates of permit or approval; (2) appoints an advisory committee of school owners and operators and others with knowledge in the field of education to advise the Commission on administration of the Act; (3) requires schools to change their names if such names may be confusing or misleading; (4) receives complaints and may revoke licenses; and (5) may request additional inspections as it deems necessary.

b. • Schools must provide information outlined in 4c and pass an inspection of the school plant, curriculum offerings, records system, advertising, and any other part of the school by a team from the Commission and the New Mexico Association of Private Schools, and others if deemed necessary. Schools must also allow other inspections deemed necessary. (p. 1)
   • See 4f, item 1.

c. • School applications must include: (1) name, location, owners, and manager of school; (2) certified financial statement while the school is under certificate of permit; (3) names and qualifications of all administrators, supervisors, and instructors; (4) description of curricula, including course titles, outlines, and length in hours of instruction; (5) description of instructional space and equipment; (6) a surety bond of $5,000; (7) required fees; and (8) agreement to fulfill conditions in 3f, 3h (item 1), and 3i (item 1). (pp. 1, 2)
   • A school must notify the Board if it is traded, sold, or management is changed, and must agree to reinspection.
   • Agents must pay an annual fee and agree to provide each potential enrollee with a copy of course outlines, tuition charges, and the state tuition refund policy prior to enrollment.

d. • Approval will be granted on an annual fiscal year basis. Agents pay fees on an annual fiscal year basis. (p. 2)

e. • Schools pay an annual fee of $100, on or by 30 June; agents pay an annual fee of $5, on or before 1 July. (pp. 1, 2)

f. • A school must be in operation under a certificate of permit for 2 years before the Commission will approve it for a certificate of approval.
   • Schools which have changed ownership or management are on probationary status until reinspection and final approval. (p. 2)

5. Enforcement (NM-02-1):

a. • The Commission revokes certificates of permit or approval. (p. 2)

b. • A signed copy of each student complaint, received by the school under the mandated "student complaint policy," must be sent to the Commission together with notice of the school's action or proposed action thereon. (p. 3)

c. • Certificates of permit or approval may be revoked for any good and just cause, upon 10 days notice and after a hearing. (p. 2)

d. • Bonds shall be conditioned on the satisfactory performance of all contracts with students. (p. 1)

NM-02-2

2. Application (NM-02-2):

No basic prohibition.

No stated exemptions.

NOTE: Accredited schools seeking to be exempted from the Act must present satisfactory evidence to the Board consisting of official determination by a USOE-recognized agency of full, unconditional accreditation. Preaccredited status, temporary accreditation, or accreditation of a parent or affiliated school do not suffice. (p. 9)

3. Coverage (NM-02-2):

a.
- Schools must announce their educational objectives, chief of which is to train persons for entrance or advancement in occupations requiring manual, manipulative or technical skills, and secondarily which may be upgrading in general education, refresher training, and preparation for licensing examinations. Evaluation of the program is based on the success with which it meets stated objectives.
- Production activities must be for training, not profit. (p. 1)
- Training offered must help prepare students for and assist them in securing employment.

b.
- Each course must have a detailed syllabus or outline showing a scope and sequence of subject matter sufficient to achieve announced objectives with typical students; each course must use materials of adequate comprehensiveness. (p. 2)
- Schools must show evidence of continuing efforts at improvement of instructional methods and materials, and provision of better services to students and graduates. (p. 9)
- Instructional materials must reflect current occupational knowledge and practices. (p. 2)
- Schools shall have systems for assessing growth in student knowledge and skills and shall have written policies on grading and performance standards. (p. 3)

c.
- Course completion shall be based on satisfactory mastery of required knowledge and skills.
- Course completion shall be acknowledged by appropriate and accurate certificate or diploma. (p. 4)

d.
- The director of training shall have education, experience, and administrative competence to plan and supervise training.
- Instructors shall have a minimum of 2 years practical experience in their occupation or subject (or equivalent), be trained to teach, and be able to demonstrate up-to-date knowledge and continuing study of their fields.
- Instructors shall be certified or licensed if legally required; if not, burden of proof of competence rests with the school.
- Instructors shall be of good character, mature, and possess professional attitudes. (p. 2)
- Instructional staff shall be sufficient to properly serve students

enrolled and maintain satisfactory working relationships with students. (p. 3)

- Owners, managers, and administrative staff shall have established records of integrity and proper qualifications. (p. 8)
- Schools must plan for staff self-improvement which may include membership in trade/professional bodies, attendance at their meetings, and continued study, research, and experimentation. (p. 9)

e. • Instructional materials shall include appropriate teaching devices and instructional aids. (p. 2)

- Teaching and housing facilities shall meet legal fire, safety, and sanitation regulations, or recommended standards of national advisory bodies if legal requirements are lacking.
- Space, heat, light, ventilation, and storage shall be sufficient for course purpose and enrollment.
- Library facilities and resources shall be appropriate and adequate.
- Instructional equipment shall be similar to that found in common occupational practices and sufficient to allow each student adequate scheduled time for practice.
- All dangerous machinery shall be equipped with proper safety devices, which shall be used at all times.

f. • School financial structure and resources shall be sound and sufficient for proper discharge of obligations to students. (p. 8)

g. • Schools shall establish qualifications enrollees must have to assimilate training successfully and determine with reasonable certainty that the applicant has proper qualifications, including no physical or other handicaps which could reasonably prevent successful job performance.

- A school shall not accept enrollment from persons of compulsory school age or those attending elementary or secondary schools until it establishes through contact with responsible parties that such enrollment would not harm their regular school work.
- If a school enrolls a person not meeting normal qualifications, it shall have written records of reasons and be prepared to justify its action. (p. 4)
- Schools shall terminate students who are clearly unable to acquire knowledge and skills required in an occupation. (p. 3)

h. • Schools shall determine with reasonable certainty that applicants are fully informed of the nature of the course and what it can be expected to do for them. (p. 4)

- The enrollment agreement shall clearly outline school and student obligations; a copy shall be furnished the student before any payment is made. (p. 4)
- The school shall determine that applicants are fully informed of the nature of their obligations, responsibilities, and rights under the enrollment agreement before they sign it. (p. 5)
- Literature provided prospective students shall clearly indicate names and nature of occupations for which training is provided, occupational objectives of courses, scope and sequence of each curriculum, clock hours required, admission requirements, tuition charges and other expenses, refund policies, grading procedures, and student services. If any information is issued separately from the school catalog, the catalog must reference the existence of the separate documents.

i. • All promotional literature or oral statements by agents shall be truthful and avoid false, misleading, or exaggerated impressions about the school, personnel, courses or services, or employment opportunities for graduates.

- All literature or oral statements by agents shall clearly indicate that training and not employment is being offered.
- Schools shall not advertise in the "employment" or "help wanted" classifications except where true; advertisements shall include the school's correct name.
- Endorsements shall be used only with prior written consent, shall be strictly factual and current, and shall be kept on file for inspection. Authors of endorsements shall receive no remuneration.
- School literature, advertisements, and school agents shall not quote "high top" or "up to" salaries without also listing average starting salaries. (p. 6)
- Schools and their agents shall not use the term "accredited" unless the agency is also listed and is one set up by governmental authority or which follows USOE principles, criteria, and procedures.
- Schools and their agents shall not overtly make or imply any employment guarantee during or after training.
- A school is responsible for actions and statements of its agents and must select, train, and supervise them carefully.
- Schools and their agents must conform to applicable laws in each state they operate in, particularly agent licensing laws.
- Schools must approve and accept responsibility for all advertisements, promotional materials, or oral statements used by their agents.
- A school and its agents shall not make false or malicious statements about the quality, content, or operation of other schools or demean their students due to race, creed, or color, nor knowingly influence a student to leave another school or change plans for attendance at another school after paying registration fees. (pp, 7, 8)
- Agents shall not use misleading terms such as "counselor," "advisor," or "registrar." (p. 7)
- j. See 3n, item 2.
- Permanent educational records shall be securely maintained. (p. 3)
- k. An enrollment agreement is not binding until it has been accepted by the home office of the school.
- Total tuition for a specific course shall be the same for all persons at a given time; however, group training contracts may be negotiated with business, industry, or government. Tuition changes shall be bona fide, effective on specific dates, and applicable to all who enroll thereafter or are presently in school if the enrollment agreement so states.
- Methods used to request or demand payment shall be in good taste and follow ethical practices. (p. 5)
- Notes or contracts for tuition shall not be sold or discounted without signed authorization by students or their financial sponsor. (p. 6)
- Scholarships shall be bona fide reductions in tuition and issued for acceptable purposes.
- If agents collect enrollment fees, they shall leave receipts and copies of contracts with applicants. (p. 7)
- Schools shall be able to show that tuition for each course is reasonable in light of service rendered, equipment furnished, and its operating costs. (p. 5)
- l. Minimum refund policy is: (1) all monies shall be refunded students deemed ineligible for admission; (2) if a nonrefundable registration fee is collected, a receipt shall be issued immediately and the school shall retain a written statement signed by the student acknowledging its non-

refundability; (3) if cancellation is requested before the home office accepts the application, all monies shall be refunded; and (4) schools must have fair and equitable refund policies. (p. 5)

m.
- Adequate placement and counseling services shall be provided graduates without charge.
- Schools shall maintain records of initial employment of its graduates for the last 5 years and base any statements regarding percentage of placement upon such records.
- Schools shall be able to show acceptance of their graduates by major employers. (p. 3)

n.
- Schools shall be able to show that a high proportion of their graduates benefit from the training received. (p. 4)
- School records shall show good student attendance and reasonable retention rates. (p. 3)
- Adequate and appropriate testing and counseling services must be provided. (p. 3)
- See 3b, items 2 and 4.
- Schools shall have adequate insurance to protect school, employees, and students against liability cases. (p. 8)

NM-03

2. Application (NM-03):

"No agent representing a proprietary school shall sell any course or solicit students in New Mexico for consideration unless the agent first secures an annual permit." (p. 2)

Exemptions:

a. Courses recognized by State Board of Education for purposes of complying with the Compulsory School Attendance Law;
b. Courses offered by an employer for in-service training of employees; and
c. Courses offered by a school accredited by a USOE-recognized accrediting agency. (p. 1)

NOTE: Again, jurisdiction over degree granting schools is unclear. Phone call to Lou Holmes on 1/13 indicates degree granting schools are not covered by this Act.

NOTE: Exemption c above regarding courses offered by an accredited school.

3. Coverage (NM-03):

f. • Application for permit shall include an acceptable surety bond in an amount of $5,000. It may be continuous and may be cancelled on 30 days' written notice by the surety. This is a blanket school bond which covers all of a school's solicitors in the state.

g.

h.

i. • No agent shall: (1) make, or cause to be made, any representation if the agent knows or reasonably should have known it to be false or misleading; (2) guarantee employment as a result of training unless a bona fide contract offering at least 90 days employment in a field related to the training is offered by a guarantor; or (3) solicit for or participate in operation of a course if the agent knows or reasonably should have known that such course is being carried on by use of fraud or misrepresentation. (p. 2)
 • Issuance of a permit shall not constitute approval of a course, agent, or school, and shall not be represented as such. (p. 3)

j.

k.

l. • No permit will be issued unless the school and agent agree to adhere to Board regulations which provide for a tuition refund policy. (p. 2)

m. • See 3i, item 1.

4. Administration (NM-03):

a. • The Board or its authorized employee shall grant or deny an agent's permit within 15 days.
 • See 4f.

- The Board adopts rules or regulations for administration of this Act and may establish an advisory committee of school owners and operators and others knowledgeable on proprietary schools to advise it in its administration. (p. 3)
- The Board or its authorized employee grants permits to schools domiciled out-of-state. (p. 2)

b.

c. • Application for an original or renewal permit shall be made on forms provided by the Board accompanied by an annual fee, a surety bond if a continuous one has not been furnished, and agreement to act as described in 31 (there is no indication that this last requirement applies to renewal applications).

d. • A permit shall be valid for 1 year from 1 July to 30 June.

e. • An agent's permit shall cost $5 annually.
   • Application for a school permit shall be accompanied by an annual application fee of $50.

f. • If the Board does not make its decision on a permit within 15 days, it shall issue a temporary permit sufficient to meet requirements in 3e, 31, item 2, and 31 until a final determination is made. (p. 2)

5. Enforcement (NM-03):

a. • The Board may suspend permits upon 10 days notice, pending a hearing. (p. 2)
   • The Board or any state or local prosecuting attorney may, by request or on his/her own motion, bring an appropriate action in any court of competent jurisdiction to enforce the provisions of this Act. (p. 3)
   • The Board may make final determination regarding issuance, denials, or revocation of permits.

b.

c. • The Board may suspend a permit pending a hearing by the Board for revocation if the permittee enrolls students through fraud or misrepresentation. (p. 2)
   • Any final determination by the Board to deny or revoke a permit may be appealed to the district court. (p. 3)

d. • Bonds shall be conditioned to provide indemnification to any student suffering loss due to fraud or misrepresentation used in procuring enrollment. Existence of a bond shall not limit any other right of recovery, nor shall its amount be relevant in determing amount of damages plaintiff may be due. (p. 2)
   • Schools may not recover monies on any contract unless the school had obtained a permit at the time that its agent negotiated the contract.
   • Any person violating provisions of this Act described in Sections 2 and 3 above shall be guilty of a misdemeanor and punished by a fine of not more than $1,000, imprisonment for not more than 6 months, or both. (p. 3)

NM-03-1

2. Application (NM-03-1):

No basic prohibitions.

Exemptions: Same as NM-03.

NOTE: See note in NM-02-1. Reference here is the same except these rules apply to "agents of accredited schools." (p. 2, NM-03-1)

NOTE: These regulations state that they apply to "...schools domiciled [out-of-state] which offer career oriented vocational training...." (p. 1) Degree/non-degree differentiation is unclear.

3. Coverage (NM-03-1):

NOTE: These regulations are identical to NM-02-1 except where noted.

f. ● NM-02-1, 3f, item 1 applies, except bond shall be continuous and shall be filed with the Board of Educational Finance. (p. 1)

● NM-02-1, 3f, item 2 applies, except the word "provide" is used in place of "keep on file." (p. 1)

g. ● No requirements such as in NM-02-1, 3g in these regulations.
h. ● No requirement such as NM-02-1, 3h, item 1 in these regulations.
● NM-02-1, 3h, item 2 applies; in addition, all other necessary costs must be disclosed. (p. 2)
i. ● NM-02-1, 3i, item 1 applies; in addition, current copies of promotional and advertising material must be provided to the Board. (p. 1)
● NM-02-1, 3i, item 2 applies, except "may" becomes "shall."
j.

k. ● NM-02-1, 3k, items 1 and 2 apply. (p. 3)
l. ● NM-02-1, 3l, items 1 and 2 apply. (pp. 2, 3)
m.

n. ● NM-02-1, 3n applies. (p. 3)

4. Administration (NM-03-1):

NOTE: These regulations are identical to NM-02-1 except where noted.

a. ● NM-02-1, 4a, item 1 applies. (pp. 1-3)
● NM-02-1, 4a, item 2 applies, except for point 5 which is not indicated specifically. (pp. 1-3)
b. ● Schools must provide information outlined in 4c and pass inspection by the Commission. (p. 1)
c. ● NM-02-1, 4c, item 1 applies, except for point 5. (pp. 1, 2)
● NM-02-1, 4c, item 2 applies. (p. 2)
● NM-02-1, 4c, item 3 applies; in addition, all other necessary costs must be disclosed. (p. 2)
d. ● Fee must be paid at time of application and annually thereafter on or by 30 June. Agents pay fees on or by 30 June each year. (pp. 1, 2)

e. • Annual fee for a school permit is $50; for an agent's permit, $5. (pp. 1, 2)

f. • No requirement such as NM-02-1, 4f, item 1 in these regulations.
   • NM-02-1, 4f, item 2 applies. (p. 2)

5. Enforcement (NM-03-1):

NOTE: These regulations are identical to NM-02-1 except where noted.

a. • NM-02-1, 5a applies. (p. 2)
b. • NM-02-1, 5b applies. (p. 3)
c. • NM-02-1, 5c applies. (p. 2)
d. • NM-02-1, 5d applies. (p. 1)

NM-04

2. Application (NM-04):

Applies to public higher education institutions (as designated in the state constitution) and all branches including the New Mexico junior colleges.

3. Coverage (NM-04):

a. • The Board of Educational Finance shall be concerned with the adequate financing of public institutions and with the equitable distribution of available funds among them.

b. • Full-time equivalent students (FTE) shall include those enrolled in college-level courses and in vocational and technical courses at a state-recognized branch community college, or those enrolled in courses approved by the State Board of Education. Students enrolled in courses totally reimbursed from federal, state, or private funds shall not be included in a calculation of FTE student population. (p. 5)

c.

d.

e. • No capital expenditures shall be made by a state educational institution for facilities without approval by the Board. (p. 4)

f. • The Board shall recommend appropriations for branch community and junior colleges of not less than $325 for each FTE student. (p. 5)

g.

h.

i.

j.

k. • The Board shall define resident and nonresident students for administering tuition; each institution shall use the uniform definitions established.
   • Proposed increases in required fees at state institutions shall be subject to the approval of the Board. (p. 4)

4. Administration (NM-04):

a.

b. • None of the funds appropriated in the General Appropriations Act to state educational institutions may be used for the support of graduate programs other than programs maintained prior to 1954, except by explicit approval of each program by the Board. (p. 5)

c. • The Board shall prescribe a uniform system for budgeting and reporting to apply to all public institutions. These requirements shall constitute regulations of the Board and shall have the force of law.
   • All institutions shall comply with the requirements and shall submit reports to the Board as requested. (p. 4)

NM-05

2. Application (NM-05):

Applies to 2-year branch community colleges operated by local boards of education with the authority and responsibility resting with the parent higher education institution in relation to all academic matters. (p. 2)

Branch community colleges shall not be considered part of the general public school system.

3. Coverage (NM-05):

a. • See stated purpose and application.
   • Each district board shall act in an advisory capacity to the regents of the parent institution selected, and conduct elections for tax levies.
b. • See NM-04, 3b.
c. • Each branch local board and the regents of the parent institution shall agree on the course of study and program offered, the cooperative use of staff and facilities, and the honoring of credits earned by students by the parent campus. (p. 2)
d.
e. • Public school facilities are to be made available to the college if needed, but branches may not interfere with the regular program of instruction and no public school funds shall be expended. (p. 3)
f. • Financing of branch community colleges shall be by tuition and fees set by the regents; by gifts, grants, and other available funds; and by appropriations from the Board of Educational Finance.
   • The local board may levy a district property tax for operating facilities, not to exceed $100 per FTE student in an academic program or $400 per FTE student in a vocational program. (p. 3)

6. Other (NM-05):

The local board shall conduct a survey to determine need for the establishment of a branch community college. (p. 1)

2. Application (NM-06):

Applies to junior colleges and districts offering programs not to exceed 2 years of training in the arts, sciences, and humanities beyond the twelfth grade public high school curriculum, and/or 2 years of a vocational and technical curriculum for persons who may or may not have completed the twelfth grade.

Junior college districts shall not be considered a part of the uniform system of free public schools, or under the control of the State Board of Education. (p. 2)

3. Coverage (NM-06):

a. • A junior college board may affiliate with the regents of a higher educational institution which shall exercise all powers given the State Board of Educational Finance to define official standards of excellence. Standards may not be less in quality or quantity than those of other state institutions prescribed by a regional accrediting agency.
   • A junior college board shall determine the financial and educational policies of the college, and shall employ the necessary staff for the operation and administration of the college. (p. 7)

b. • The State Board, with a junior college board, shall prescribe the course of study and define standards of excellence relating to course of study and quality of instruction. (p. 7)
   • Full-time student equivalent (FTE) means the equivalent number of students taking 16 credit hours per semester. (p. 2)

c. • A local board may award the appropriate degree upon the satisfactory completion of a curriculum approved by the State Board. (p. 8)

d.

e. • Districts may contract to share facilities with any school. (p. 14)
   • A board may establish a transportation system through the use of maintenance funds from the annual tax levy, for the purpose of extending the educational services of the college. (p. 15)

f.

g.

h.

i.

j.

k. • An amount not to exceed $325 per FTE student may be budgeted. (p. 14)
   • The college board shall have the power to fix tuition and fee rates for resident and nonresident students of the district and for out-of-state students, and to accept federal aid. (p. 7)

4. Administration (NM-06):

a.

b. • The State Board shall approve the petition for the establishment of a proposed junior college district if: (1) the college will serve an enrollment of at least 250 FTE students; (2) the financial position of the district is adequate to provide supporting funds for operation and facilities; (3) a comprehensive plan shows the projected enrollment for the next 10 years and the proposed construction and expansion for the next 10 years; and (4) a proposed budget for the first 2 years of operation is submitted.

• A majority of qualified voting electors must be in favor of establishing a district. (p. 4)

• The executive secretary of the Board of Educational Finance shall annually inspect or investigate, through prescribed reports, each junior college's facilities and programs to determine compliance with the Board's rules and regulations. (p. 8)

c. • The State Board shall require reports from the colleges necessary for determining the FTE students eligible to receive financial support. (p. 14)

5. Enforcement (NM-06):

a. • The State Board will inform the college president and board of any serious deviation from established practices and procedures, or any defects that impair the quality of the instructional program in any junior college. (p. 8)

b.

c. • In the case of repeated failure to meet the specified standards, the State Board may take action by discontinuing the approval of any junior college. Upon showing that the unsatisfactory conditions have been remedied, the State Board may reinstate its approval of a disapproved junior college. (p. 8)

NM-07

2. Application (NM-07):

Applies to technical and vocational institutes with curricula of not more than 2 years' duration.

3. Coverage (NM-07):

a. ● The public vocational and technical programs are designed to fit individuals for employment.
   ● Each institute is governed by a school district board which shall determine the financial and educational policies.
b. ● The State Board of Education, with each district board, shall prescribe the course of study and define official standards of excellence relating to administration, course of study, and quality of instruction. (p. 3)
   ● Full-time equivalent student means a student taking at least 12 credit hours per term. (p. 2)
c. ● Each district board shall have authority to issue certificates of proficiency.
d. ● Each district board shall select a competent president who shall employ administrative and instructional staff.
e. ● Each board shall have authority to purchase and sell property and equipment. (p. 3)
   ● Technical and vocational institute districts may arrange to share facilities with any school district or with the board of regents of an institution.
f. ● The Chief of Public School Finance shall recommend an appropriation for each institute based on its financial requirements for authorized programs and available funds, not to exceed $325 for each FTE student.
g.
h.
i.
j.
k. ● No student shall be included in FTE enrollment for appropriations if the cost of the course is totally reimbursed from federal, state, or private sources. (p. 4)
   ● Each local board shall fix fee and tuition rates for students nonresident in the district. (p. 3)

4. Administration (NM-07):

a.
b. ● A petition to form a district shall be approved by the State Board, if, on the basis of a survey of the proposed district, the institute will serve at least 200 FTE students, and the district's financial position is adequate to provide necessary supporting funds. (p. 2)
c. ● The Chief of Public School Finance shall require necessary reports for determining FTE students for which an institute may be eligible to receive state support. (p. 4)

NM-08

2. Application (NM-08):

Applies to area vocational schools operated by local school board districts and designated as such by the State Board of Education.

Area vocational schools shall meet all requirements of an accredited school. (p. 2)

3. Coverage (NM-08):

a. ● Local school boards shall operate area vocational schools in accordance with the state plan for vocational education.
   ● Local boards may include cooperative arrangements with junior colleges, branch community colleges, state educational institutions, and other school districts. (p. 2)
b. ● The State Board shall prescribe by regulation the courses of instruction and training for postsecondary adult vocational education programs. (p. 6)
c.
d.
e.
f. ● Federal funds administered by the state for vocational training programs may be used in support of area vocational schools.
g. ● Local school boards may accept nonresident qualified students for vocational and technical education on a tuition basis with approval from the State Board.
   ● Local school boards may accept resident and nonresident nonqualified students on a tuition basis with approval from the State Board. Nonqualified students shall not be included with the district's average daily membership report to the Department of Education for the purpose of receiving state basic support.
h.
i.
j.
k. ● Tuition and fees shall be established by the local school board and approved by the State Board for nonresident qualified students, and resident and nonresident nonqualified students who are enrolled in the area vocational school. (p. 3)

4. Administration (NM-08):

a. ● To be approved by the State Board, a plan for the proposed area vocational school should provide an adequate, broad, vocational and technical educational program, serve sufficient students for an economical operation, provide for adequate financing, and sensibly relate to a statewide plan for vocational education.
b. ● After approval of the plan, the State Board shall officially designate the school as an area vocational school. (p. 2)

c.
- The Chief of Public School Finance shall require necessary reports to determine the number of FTE students for which an area vocational school may be eligible to receive state support. (p. 4)
- For purposes of budgeting, accountability, and reporting, a local school board shall follow procedures as prescribed by the Public School Finance Act. (p. 5)

NM-09

2. Application (NM-09):

Applies to state higher educational institutions.

Prohibits state institutions from teaching any creed or system of religion. (p. 10)

3. Coverage (NM-09):

f. ● No expenditure shall be made by any state educational institution for purchase of property or for construction without prior approval by the Board of Educational Finance and the State Board of Finance. (p. 10)

g. ● Boards of regents of each institution of higher education shall determine the standard of requirements for admission to their respective institutions. (p. 2)

h.

i.

j.

k. ● Boards of regents shall charge matriculation and tuition fees as follows: (1) not less than $5 matriculation fee shall be charged upon enrolling; (2) not less than $20 a year tuition fee shall be charged residents; and (3) not less than $50 a year tuition fee shall be charged to nonresidents. (p. 3)

● Each board of regents may grant scholarships to residents by waiving the matriculation and/or tuition fees. The number of scholarships shall not exceed 3% of the preceding fall enrollment and at least one-third of the scholarships shall be granted on the basis of financial need.

● To receive scholarships, students shall be recommended to each board of regents on the basis of good moral character, satisfactory initiative, scholastic standing, and personality. (p. 4)

Administration (NM-09):

. ● Each managing board of each state institution shall annually report to the Governor concerning their activities, their expenditures, and the exact status of their institution. (p. 8)

NEW YORK

1. Identification:

NY-01

Laws Relating to Private Schools, Private Business School Registration, Standards for Private Schools and Private Business Schools, and Private School Agents' Certificates (Sections 5001-5004)

Effective date: 1972

Stated purpose:

Basic effect: Requires private schools charging tuition to be licensed; requires private business schools to be registered; establishes standards and procedures for licensing and disciplining actions; requires agents to obtain permits; gives the Commissioner of Education power to require bonds of schools and agents.

Basic coverage: Private non-degree granting

NY-01-1

Regulations of the Commissioner of Education: Part 126, Licensed Private Schools, Registered Private Business Schools

Amended: 16 April 1973

Stated purpose:

Basic effect: Establishes detailed standards for school operation and detailed information and procedures required for obtaining licenses, registration, or permits; requires school directors and instructors to be licensed by the Commissioner.

NY-02

Law Pamphlet 9 - Incorporation of Educational Institutions by the Regents: Article 5 of Education Law, Sections 214-224, 226, and 263

Effective date:

Stated purpose:

Basic effect: Requires institutions to incorporate and receive a charter from the Regents before conferring degrees; requires any institution which could be incorporated by the Regents to obtain their consent before incorporating under any other state law; sets requirements to be met by institutions before incorporation or power to grant degrees will be granted.

Basic coverage: Public and private degree granting

NY-02-1

Law Pamphlet 9 - Incorporation of Educational Institutions by the Regents: Rules of the Regents and Regulations of the Commissioner of Education, Sections 3.20, 3.25 - 3.27, and 13.11

Effective date: 1 March 1971

Stated purpose:

Basic effect: Prescribes language that may be used to describe an institution's status with the Regents.

NY-03

Education Law Section 207 - Legislative Power

Effective date: July 1947

Stated purpose:

Basic effect: Empowers the Regents of the University of the State of New York to exercise legislative functions for the state educational system (including both public and private institutions), establish rules for carrying state laws and policies into effect, and approve rules and regulations adopted or prescribed by the Commissioner of Education.

Basic coverage: Public and private degree and non-degree granting

No further abstract prepared.

NY-03-1

Rules of the Board of Regents, Section 3.47: Requirements for Earned Degrees, and Section 3.50: Registered Degrees (Chapter I of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York)

Effective date: 16 April 1973

Stated purpose:

Basic effect: Prescribes proportions of course work which must be in liberal arts and sciences for specific degrees; lists authorized degrees and their symbols which may be registered with the Regents.

Basic coverage: Public and private degree granting

No further abstract prepared.

NY-03-2

Regulations of the Commissioner of Education - Sections 50.1, 50.4, 52.1, and 52.2

Effective date: 16 April 1973

Stated purpose:

Basic effect: Sets detailed standards for registration by the Regents of undergraduate and graduate curricula; requires curricula at each branch of an institution to be separately registered; requires branch campuses to be authorized by charter or the Regents before such branch may be established.

Basic coverage: Public and private degree granting

NY-03-3

Rules of the Board of Regents, Part 13, Sections 13.1-13.9: Registration and Licensing of Educational Institutions

Effective date:

Stated purpose:

Basic effect: Authorizes Commissioner of Education to establish regulations governing: (1) registration of courses of study in colleges, professional, technical, and other schools; (2) approval of correspondence schools; and (3) registration of private business schools. Authorizes Commissioner to rescind registrations of schools not meeting standards. Restricts use of terms implying that an institution grants degrees to those meeting requirements of the Department of Education. Authorizes the Commission to make regulations and establish standards for licensing of private trade schools and correspondence schools, and to determine if standards are met in the areas of resources, equipment, and standards of instruction.

Basic coverage: Public and private degree and non-degree granting

No further abstract prepared.

NY-04

State Aid to Non-Public Colleges: Section 6401 of the Education Law

Effective date: April 1974

Stated purpose:

Basic effect: Authorizes the Commissioner of Education to pay state aid to non-public institutions meeting requirements of the Act.

Basic coverage: Private degree granting

NY-04-1

Rules of the Board of Regents, Section 3.54, and Regulations of the Commissioner of Education, Sections 150.1 - 150.2

Effective date: April 1974

Stated purpose:

Basic effect: The Rules establish the work required for various degrees (for purposes of determining amount of state aid) and establish two standards of educational quality which institutions must meet to be eligible for aid: (1) they must meet standards of NY-03-2; and (2) they must be accredited by a regional association or have other equivalent recognition of educational quality. The Regulations describe information which must be submitted to establish eligibility, and prohibit use of such aid for religious purposes.

No further abstract prepared.

NY-05

Section 210 of the Education Law

Effective date: 1 July 1947

Stated purpose:

Basic effect: Authorizes the Regents to register domestic and foreign institutions in terms of New York standards and fix the value of educational credentials issued by institutions of other states or countries and presented for entrance to institutions or professions in New York.

Basic coverage: Public and private, degree and non-degree granting

No further abstract prepared.

NY-01

2. Application (NY-01):

"No private school which charges tuition...shall be operated by any...persons ...for the purpose of teaching...any subject...unless it is licensed by the education department." (p. 2)

"No private business school shall be operated by any...persons...unless it is registered by the education department." (p. 3)

"No person may, for a consideration...procure, solicit or enroll any student for instruction in or given by any school within or without the state...unless said person shall have previously secured a private school agent's certificate from the department...." (p. 6)

"School" is any entity offering instruction by any method including written or audio-visual (i.e., correspondence). "Private business school" is one whose curriculum primarily provides work in accounting, bookkeeping, marketing, business arithmetic, business law, business English, shorthand, and/or typing for preparation for office occupations, but not schools offering business courses incidental to preparation for other occupations. The former must be registered; the latter must be licensed. (pp. 2-3)

Exemptions (schools):

a. Degree granting institutions
b. Kindergarten, nursery, elementary, or secondary schools (except by correspondence)
c. Schools operated by governmental agencies or authorities
d. Schools exclusively training handicapped persons
e. Schools conducted by firms only for employees, or by fraternal or benevolent societies only for members, on a not-for-profit basis
f. Schools providing instruction only in religion, dancing, music, fine arts, drama, languages, reading comprehension, mathematics, recreational games, physical culture, or athletics
g. Schools whose courses are licensed by another state agency
h. Others determined by the Commissioner in regulations (see NY-01-1)

Exemptions (agents):

a. Persons acting solely for exempted schools or schools not required to be licensed
b. Persons soliciting students only on school premises

Also see NY-02, Section 2 concerning information from the State Postsecondary Educational Profiles Handbook.

3. Coverage (NY-01):

a. • Schools shall be organized and conducted only as schools; they shall not conduct programs in factories or commercial establishments except where such use is permitted for necessary or desirable educational purposes.
b. • Standards and methods of instruction shall comply with standards set forth in regulations of the Commissioner. (p. 4)
c.

d. ● Registered private business schools shall employ only teachers licensed by the Department of Education, whose minimum qualifications shall be equal to those required of teachers of equivalent subjects in public secondary schools. (p. 3)

● Qualifications of teaching and management personnel shall comply with standards set forth in regulations of the Commissioner.

e. ● Equipment and housing and sufficiency and suitability of equipment available for school support shall comply with standards set forth in regulations of the Commissioner.

f. ● Sufficiency and suitability of resources available for school support shall comply with standards set forth in regulations of the Commissioner. Schools shall have resources beyond indebtedness of at least $20,000.

● The Commissioner may require a school to provide a bond in the amount the Commissioner directs for faithful performance of all contracts with students. (p. 4)

● The Commissioner may require agent applicants or the school they represent to furnish an acceptable bond in the amount the Commissioner directs. (p. 6)

● See 4c, item 1 regarding financial reports.

g. ● Registered private business schools shall accept for enrollment for approved diploma courses only those who have satisfactorily completed an approved secondary course or equivalent. (p. 3)

h. ● Form and content of the student enrollment agreement or contract, except parts relating to tuition or consideration, shall comply with standards set forth in regulations of the Commissioner.

i. ● Method and content of advertising shall comply with standards set forth in regulations of the Commissioner. (p. 4)

● In promulgating regulations concerning issuance of agents' certificates and conduct of certificate holders, the Commissioner shall consider good moral character of the candidate and use of ethical and fair practices in presentation of school offerings. (p. 5)

● Issuance of an agent's certificate shall not be deemed to constitute approval of any course or person. (p. 7)

j.

k. ● Methods of collecting tuition shall comply with standards set forth in regulations of the Commissioner. (p. 4)

4. Administration (NY-01):

a. ● The State Education Department licenses private schools and registers private business schools, exercises jurisdiction over such schools, grants agents' certificates, promulgates regulations, provides forms for applications, and evaluates applications. (pp. 4, 5, 6)

● The Commissioner of Education promulgates regulations setting standards for school approval and relating to issuance of agents' certificates, and determines what financial and statistical information is required from schools. (pp. 2, 4, 6)

● See 3f, items 2 and 3 concerning Commissioner's power to require bonds.

b. ● If evaluation of a course requires services of an outside expert, the Department shall retain such expert.

c. ● Original and renewal applications for license or registration shall be on forms provided by the Department, with financial and statistical reports as the Commissioner requires, accompanied by fee. (p. 2)

● Annual license and registration renewal applications shall be submitted 60 days prior to expiration.

- Original and renewal applications for an agent's certificate shall be on forms provided by the Department, accompanied by fee.
- See 3f, items 1 and 2 regarding bonds the Commissioner may require.

d.
- License and registration must be renewed annually. If timely application for renewal is made, license or registration shall be automatically extended until 60 days after school is notified of renewal status. (pp. 2, 4)
- Agents' certificates are valid for one year from date of issuance. (p. 6)

e.
- Fee for original or renewal application for license or registration is $100; for original or renewal agent's certificate, $10.
- See 4b. School shall reimburse the Department for reasonable cost of such services. (p. 2)

5. Enforcement (NY-01):

a.
- The Commissioner may take disciplinary action after opportunity for hearing, including a cease and desist order, mandatory direction, restriction of rights, powers or privileges, fine, penalty, suspension or revocation of authorization to operate, or any combination. (pp. 4-5)
- A hearing officer designated by the Commissioner shall conduct the hearing and may issue subpoenas and direct the school to appear and confer to consider simplification of the issues by consent, at which time strict rules of evidence shall not apply. (p. 5)
- The Attorney General or any local prosecuting officer, at request of the Commissioner, may bring an appropriate action or proceeding in any court of competent jurisdiction for enforcement of this Act. (p. 6)
- The Commissioner may suspend or revoke an agent's certificate at any time. (p. 7)

b.

c.
- See 5a, item 1.
- Good cause for disciplinary action includes but is not limited to: (1) fraudulent representations to the Department, the public, or any student or enrollee concerning any school activity; (2) violation of any provision of this Act or any rule of the Board of Regents or regulation of the Commissioner; (3) conviction of any owner, director, or teacher of any crime involving moral turpitude; or (4) incompetence of any owner or operator to operate a school.
- The school shall be given written notice of hearing and particulars of causes of action, and opportunity to use counsel, present evidence, and cross-examine. Disposition may be made by stipulation, agreed settlement, consent order, default, or other informal method. The school may request a copy of the transcript. (p. 5)
- Refusal to issue authorization to operate shall be subject to judicial review under civil practice law and rules, but no such determination shall be stayed or enjoined except upon application after notice to the Commissioner. (p. 6)
- See 5a, item 3. A copy of the decision, which shall be supported by substantial evidence of record, shall be delivered to the school 10 days before it takes effect. (p. 6)
- Agents' certificates may be suspended or revoked after notice and opportunity for hearing for failure to comply with the Act or Commissioner's regulations or any other good cause. (p. 7)

d.
- Willful violation of this Act shall be a class "B" misdemeanor.

- If the Commissioner requires a bond for an agent, it shall be conditional to provide indemnification to any student suffering loss as a result of fraud or misrepresentation used in procuring his enrollment or for violation of this Act or Commissioner's regulations. Such bond shall not impair right of recovery otherwise available at law; bond amount shall not be relevant in determining damages.
- No recovery shall be had on any contracts made with a student by a person not holding a valid agent's certificate. (pp. 6-7)
- See 5a.

NY-01-1

2. Application (NY-01-1):

Schools shall conduct only courses approved by the Commissioner. (p. 3)

"School" means a private school or private business school as defined in NY-01.

Exemptions ("others," as referred to in Exemption h in NY-01, Section 2):

a. Flight instruction involving one instructor and one aircraft.
b. Preparation for professional licensing examinations administered by the Department under Title VIII of the Education Law and for admission to the practice of law.
c. Continuing education courses for individuals licensed or admitted to law practice as described in the above exemption.
d. Instruction for employees without charge by a contractor with the employer. (pp. 10-11 and amendment)

NOTE: Refund policies of appropriate accrediting agencies may be accepted in lieu of the policy stated in these regulations. (See 31, item 2.)

3. Coverage (NY-01-1):

a.

b. • See 4c, item 2.

c.

d. • Directors must obtain directors' licenses or permits. Directors may be held responsible for all activities of the school or done in the name of the school and shall meet the following requirements: (1) for licensed private schools, have completed an approved four year high school program or equivalent and had at least five years of acceptable practical experience or acceptable teaching experience in courses taught in the school, or five years of acceptable administrative or supervisory experience, or any combination of education and experience above acceptable to the Commissioner (an appropriate baccalaureate degree acceptable to the Commissioner may be deemed to satisfy the experience requirements); (2) for registered private business schools, have received an appropriate baccalaureate or higher degree from an approved college; (3) for either, have completed an approved 15 clock hours course offered by the Department in private school administration or an equivalent college level course in educational administration; (4) individuals who meet the requirements of points 1 or 2 above will be issued a temporary permit, valid for one year, during which the requirement of point 3 shall be met. A permanent director's license may be issued to directors who meet all requirements; and (5) be of good moral character as determined by the Commissioner. Directors whose education and practical experience qualifications were approved prior to 1 July 1973 will be deemed to have met the requirements of points 1 and 2.

• Teachers and supervisors in schools other than business and correspondence schools must obtain teachers' licenses or permits and meet the following requirements: (1) have completed an approved four year high school program or equivalent and had at least two years of practical experience acceptable to the Commissioner in the subject area to be taught. Teaching experience will not be accepted in lieu of practical experience. An exception may be made by the Commissioner for an applicant who does not meet these requirements if such applicant possesses unique qualifications; (2) if a federal or state license is required for the occupation, the teacher shall also be required to hold such license; (3) teachers who meet requirements of points 1 and 2 may be issued a temporary teacher's permit valid for one year, during which time a 30 clock hour or two semester hour course in methods of teaching shall be completed (a temporary permit will be issued only once and may not be extended) or a provisional teacher's license valid for five years after completion of a satisfactory methods of teaching course and a satisfactory evaluation report by the school director acceptable to the Commissioner (a provisional license will be issued only once, but may be extended at the discretion of the Commissioner) or a permanent teacher's license after completion of three 30 clock hour courses or six semester hours in appropriate professional study during the period of validity of the provisional license; and (4) be of good moral character as determined by the Commissioner. A person who holds an acceptable degree, with a major in the subject to be taught, may be deemed to have met the educational requirements for a license.

- Teachers and supervisors in private business schools shall have completed professional preparation at least equal to that required of teachers of equivalent curricula in public secondary schools to qualify for a license. If no requirements for public secondary school teachers exist, private business school teachers shall meet teacher requirements described in the item above.
- Lecturers or consultants who teach special limited phases of a course may be exempted by the Commissioner from meeting requirements.
- Instructors and/or examiners in correspondence schools must have appropriate education and experience qualifications acceptable to the Commissioner to meet requirements for a license.
- Teachers' licenses or permits may be amended to include additional curricula upon the submission of additional evidence required by the Commissioner.
- Special qualifications are given for flight instructors. (pp. 4-6)
- Teachers of fine arts are exempt from teacher training requirements. (Amendment)

e.
- See 4c, item 2.
- A school shall have classrooms, laboratories, shops, and other instructional and administrative facilities which the Commissioner judges satisfactory for proper conduct of the school.
- Instructional equipment and supplies shall be adapted to the courses of study and shall be adequate for satisfactory instruction.
- Schools shall provide, as appropriate, library, administrative offices, rest rooms and toilet facilities, and student lockers or check room properly equipped and large enough for student and faculty needs.
- School space used for any purpose shall meet standards for school purposes of fire, health, and building authorities. (p. 4)

f.
- Schools shall submit evidence the Commissioner requires to determine adequacy of resources beyond indebtedness available for instructional purposes. See NY-01, 3f, item 1; this document changes the second "shall" to "may be required to."
- See NY-01, 3f, item 2. A performance bond may not be substituted for resources beyond indebtedness. (p. 8)

● Agent applicants shall submit surety bonds of at least $1,000. The school may instead provide a blanket bond in the amount of at least $1,000 per agent. (p. 10)

● See 4c, items 1 and 3.

● See 3j, item 1 regarding financial records.

g. ● See 4c, item 2.

h. ● Each school shall publish a catalog or bulletin to be furnished to each student containing information as the Commission requires. (p. 3)

● All conditions for enrollment in or completion of a curriculum shall be set forth in an enrollment agreement or contract which shall be fully completed, dated, and signed by both an authorized agent of the school and the student prior to beginning of instruction. The school shall retain a signed copy of the contract and one signed copy shall be delivered to the student at the time of execution. Acknowledgement of receipt of a copy of the contract by the student shall be made on the school's copy.

● The contract shall be printed in no less than ten point type, shall contain no advertising or extraneous material, and shall set forth briefly and clearly the following: (1) name of the school; (2) title of the curriculum as approved; (3) length of the curriculum or courses in hours; (4) schedule of sessions or hours per week, or the number of lessons for correspondence instruction; (5) name and date of birth of the student; (6) amount of tuition fee and amount of enrollment fee, set forth separately; (7) amount of all other fees and charges required for completion of the course (fees and charges, such as student fee for kit, textbooks, tools, equipment and supplies, make-up fees, laboratory fees, and deposits shall be itemized separately and shall not be included in tuition); (8) total cost of the course; (9) provision for method(s) of payment; (10) conditions of any approved cooperative practical experience outside the school premises; (11) the following statement: "While placement service may be provided, it is understood that the school cannot promise or guarantee employment to any student or graduate" or a similar statement acceptable to the Commissioner; and (12) reasonable regulations and conditions as the school may desire. (pp. 6-7)

● If a transcript may be withheld for non-payment of fees, the enrollment agreement must so state. (p. 8)

● Schools shall display near their entrances, under glass, their licenses or registration as long as valid. (p. 9)

● See 3l, item 1.

i. ● Enrollment of students shall not be sought by: (1) assuring or seeming to assure employment in any business or occupation; (2) including in advertising or promotional material representations of potential earnings, unless such representations can be documented by reliable authority, reflect current information, and have been approved by the Commissioner; (3) misrepresentations of the cost of instruction or of the education, experience, or abilities required for successful completion of the course and the utilization thereof; or (4) use of such phrases as "university," "college," or "professional school," which connote an institution which confers the associate or higher degrees.

● Statements and representations in all forms of advertising and promotion shall be fairly and clearly presented, accurate, and restricted to facts which can be substantiated by evidence available at the school.

● Letters of endorsement from any persons or organizations shall be used only with the identification and qualifications of the writer and written consent. Such consent shall be on file with the school and available for examination. No consideration for any such letter shall be offered or paid. The date of any such letter shall be included in the advertising matter unless the letter is less than two years old.

- Illustrations in all advertising matter shall relate solely to the school or shall be clearly designated otherwise.
- Services or articles produced in the process of instruction shall not be advertised in connection with the school.
- A school shall make no reference to its license or registration in advertising, promotional material, or letterhead except the statement: "Licensed by the New York State Education Department" or "Registered by the New York State Education Department." (pp. 2-3)
- See 3j, item 1, point 3.
- Agents shall not be identified as counselors or by other titles which tend to mislead prospective students. (p. 10)

j.
- All school records and files shall be maintained for seven years, except for permanent student records (see next item), unless specific disposition is authorized by the Commissioner, and shall include: (1) all approved courses of study, with letters from the Department granting approval; (2) all correspondence with the Department and other supervisory agencies; (3) copies of all advertising, bulletins, and other promotional materials; (4) student records showing attendance, progress in training, and payments made; (5) records of administrative, supervisory, and instructional staffs showing qualifications, approval by the Department, teaching schedules and pupil load, attendance, contract salary, and salary payments; (6) inventories of equipment and supplies; and (7) financial records in such form and manner as specified by the Commissioner to facilitate determination of the quality of instruction and school ability to discharge its obligations to students. (p. 9)
- Student permanent records shall contain the following information: (1) name, address, and date of birth; (2) date of enrollment; (3) name of curriculum taken; (4) record of all tests and grades earned; (5) date of completion or discontinuance; (6) date certificate or diploma was issued; and (7) placement for six months after graduation or other disposition of the student. (p. 10)

k.
- A school shall provide the same instruction, tools, equipment, or instructional supplies and charge the same tuition rates and other fees or charges to all students or groups of students in like circumstances. (p. 2)
- An agreement or contract may not be transferred or assigned to a third party. (p. 7)

l.
- In the event a student fails to enter, withdraws, or is discontinued from instruction, the enrollment agreement or contract shall clearly set forth the school's refund policy. Enrollment agreements which do not provide for a reasonable adjustment of tuition and other fees will not be approved. A refund policy not consistent with the following will be deemed to be unreasonable: (1) a student may cancel the agreement at no penalty by notifying the school in writing within 7 days after midnight on the day on which the agreement was signed, unless it is a residence school and the student has entered instruction. If the student cancels within 7 days before beginning instruction, the school may retain not more than 15% of tuition not to exceed $100; (2) if a student withdraws or is discontinued after instruction is begun in a residence school or after the seven day period and after instruction has been given in a correspondence school, the school may retain no more than (i) 15% of tuition if termination is during the first week in a residence school or after completion of the first lesson by correspondence, or (ii) 45% of tuition if termination occurs after completion of the first week in residence or after two or

more lessons are serviced by the correspondence school, but during the first 25% of the course, or (iii) 75% of tuition if termination occurs the second 25% of the course, or (iv) all tuition and registration fee if termination occurs after completion of 50% of the course; and (3) fees and charges for items described in 3h, item 3, point 7 paid to the school for goods or services which have not been provided by the school shall be refunded.

- A school accredited by a nationally recognized accrediting agency may use the refund policy of such agency if such policy is substantially equivalent to the above and is acceptable to the Commissioner. (Amendment)
- All refunds shall be made within 30 days of cancellation.
- If an enrollment agreement is a retail installment agreement, it shall also comply with the section of the Personal Property Law governing such agreements. (p. 8)

m. • See 3h, item 3, point 11.

4. Administration (NY-01-1):

a. • The Commissioner of Education directs the form and content of all information submitted by schools, establishes regulations, establishes licensing procedures and criteria, determines by information submitted whether a school conforms to criteria, issues licenses for directors and teachers, and approves courses.

• The Department licenses or registers schools and distributes and receives forms and information concerning licenses and registration.

b.

c. • Applicants shall submit applications for licensure or registration upon forms provided by the Commissioner, together with such other information as may be required including applications for approval of curricula or courses of study, quarters or facilities, directors' and teachers' licenses, and documentation of adequacy of resources, accompanied by fee. (pp. 8-9)

• The school director shall request approval for curricula or courses, submitting with the request the following information if the school is a residence school: (1) name and educational or occupational objectives of the course(s); (2) minimum entrance requirements and information on any aptitude tests administered; (3) minimum and/or maximum hours of instruction and allocation of time to each portion of the course(s); (4) daily and weekly schedule of instruction; (5) description of the method of instruction, indicating the amount of time to be devoted to classroom activities and shop or laboratory practice, practice and experience components outside the school premises, if any, and the relation between the classroom and practice phases of the course(s); (6) tuition and other charges and methods of payment; (7) itemized list of equipment; (8) itemized list of small tools, books, and supplies loaned or furnished to students; and (9) detailed floor plan indicating all facilities.

If the school is a correspondence school, the following information shall be submitted with the request for approval: (1) name and educational objective of the course(s); (2) minimum entrance requirements and information on any aptitude tests administered; (3) complete instructional units, in detail, as furnished to the student, showing instructional content, method or procedure, and the types of skills or knowledge to be learned; (4) approximate time necessary for completion of each instructional unit; and (5) method of mailing and correcting instructional units and the manner in which remedial instruction is to be given to students. (pp. 3-4)

- Schools shall submit, on forms provided, such data on the education, training, experience, and other qualifications of administrative, supervisory, and instructional staff as the Commissioner requires for the issuance of directors' or teachers' licenses or temporary permits.
- Directors' licenses are valid only for the school for which issued. Teachers' licenses are valid only for the schools and courses or occupations for which issued. Such licenses may be exchanged for similar licenses at different schools at the Commissioner's discretion. (p. 4)
- Notice of all staff changes shall be sent immediately to the Department, and all new staff members shall hold an appropriate permit or license within 60 days after date of employment. (p. 6)
- Renewal applications shall be annually submitted 60 days before expiration of license or registration on forms prescribed by the Commissioner and shall be accompanied by fee, annual statistical and financial reports as the Commissioner prescribes, and other information as the Commissioner requires.
- Changes in any item which has been approved may not be made during the term of license or registration without approval in the manner for issuance of license or registration. (p. 9)
- Applications for agents' certificates shall be made on forms furnished by the Commissioner, made only by the school or schools which are to be represented. If more than one school is to be represented by an agent, each school or common ownership of schools must apply for a certificate, and separate applications must be filed for each agent. Application shall be accompanied by two photographs, certification of applicant's good moral character by two persons not employers or co-workers, bond, fee, certification that the agent has been fully informed concerning school courses, services, charges, enrollment and operating policies, and refund policy, and certification that the school assumes full responsibility for agent actions and uses an acceptable plan for selecting, training, and supervising agents.
- Certificate renewal applications shall be accompanied by two new photographs, bond, and fee, and shall be filed at least 60 days before expiration of certificate.
- If an agent resigns or is dismissed, the school shall notify the Commissioner in writing within 10 days and return the certificate therewith. (p. 10)

d.

- School license or registration and agent certification shall be renewed annually. (pp. 9, 10)

e.

- Fee for a director's or teacher's license or permit is $10.
- See NY-01, 4e, item 1.

f.

- See 3d, item 1, point 4, and item 2, point 3 concerning temporary directors' and teachers' permits.
- If the Commissioner decides that a license or renewal application cannot be processed before expiration of previous authorization, such authorization may be temporarily extended as the Commissioner deems necessary. (p. 9)

NY-02

2. Aplication (NY-02):

"No diploma or degree shall be conferred in this state except by a regularly organized institution of learning meeting all requirements of law and of the university...."

"No individual...or corporation not holding university, college or other degree conferring powers by special charter from the legislature...or from the regents, shall confer any degree...unless the right to do so shall have been granted by the regents...under their seal." (p. 18)

See 3c and 3i for other prohibitions subject to legal penalties.

"No institution...which might be incorporated by the regents under this chapter shall, without their consent, be incorporated under any other general law." (p. 12) "...no corporation shall, under authority of any general act, extend its business to include establishing...any educational institution or work, without the consent of the board of regents." (p. 13)

"Institutions" means institutions of the University of the State of New York which includes all public and private secondary and higher education institutions and certain other organizations incorporated in the state. See NY-01 for licensing and registration of private schools and private business schools.

See 4f concerning restrictions on institutions operating under provisional charters.

3. Coverage (NY-02):

c. • No person shall buy, sell, or fraudulently or illegally make, alter, issue, or obtain evidence of a diploma, degree, license, or completion of any course or part thereof.
   • No person shall falsely represent himself to have received any degree. (p. 18)

d.

e. • No institution shall be incorporated without suitable provision, approved by the regents, for educational equipment and proper maintenance.

f. • No institution shall be given power to confer degrees in the state unless it has resources of at least $500,000. (p. 13)
   • Detailed requirements for liquidation and distribution of assets after dissolution of corporation are presented. (pp. 15-17)

g.

h.

i. • No institution not holding degree-conferring powers from the Legislature or Regents shall use the name "college" or "university" or imply that it is a school of law, medicine, dentistry, pharmacy, veterinary medicine, nursing, optometry, podiatry, architecture, or engineering unless the right to do so shall have been granted by the Regents under their seal. (p. 18)

j. • If an institution's incorporation is dissolved, its permanent academic records shall be filed with the State Education Department or other designated agency unless directed otherwise by court order. (p. 14)

4. Administration (NY-02):

a. • The Regents of the University of the State of New York may incorporate higher education institutions under the Education Law, grant provisional charters, consent to incorporation of institutions under other state laws, prescribe restrictions on institutions, and approve consolidation and dissolution of corporations.
   • The Regents or the Commissioner of Education or their representatives may visit and inspect institutions and determine the form, content, and frequency of information institutions shall report. (pp. 12-15, 17)

b. • See 4a.

c. • See 4a and 4f.
   • No institution shall have faculty or department in any place or have power to confer any degree not authorized in its charter.
   • See 5c, item 4 and 5d, item 1.

d.

e.

f. • Provisional charters may be granted on presentation to the Regents of satisfactory evidence that conditions for an absolute charter will be met within a prescribed time. If conditions are not met, provisional charter shall terminate and be surrendered to the Regents. Provisional charters do not give power to confer degrees. (p. 13)

5. Enforcement (NY-02):

a. • The Regents may exclude an institution from membership in the University, alter, suspend, or revoke the charter or rights and privileges of the institution, dissolve a corporation, or change the name of an institution. (pp. 12-13)

b.

c. • Exclusion from membership in the University may be for failing to comply with law or University rules.
   • An institution's charter or rights and privileges may be suspended for refusal or neglect to make any required report or violation of any law or rule of the University. (p. 12)
   • The Regents may change the name or alter, suspend, or revoke the charter of any institution incorporated by them or under a general law with their approval, for sufficient cause, after notice by mail or in a locally published newspaper, and after a hearing. (p. 13)
   • Institutions discontinuing educational operations without cause satisfactory to the Regents shall surrender their charters, subject to restoration when satisfactory arrangements are made for resumption of work. (p. 17)
   • See 4f.

d. • If the Regents revoke a charter or dissolve a corporation or if a provisional charter expires, the board of trustees must within 3 months petition the district supreme court for an order directing the disposition of all property belonging to the corporation and notify the Regents by copy of such petition. (p. 14)
   • Counterfeiting or falsely making or altering credentials issued under the Regents' seal shall be a felony (see 3c, item 1); violations of the first two paragraphs of Section 2, 3c, item 2 or of 3i shall be a misdemeanor; persons aiding or abetting such violations shall be subject to the same penalties. (p. 18)

NY-02-1

2. Application (NY-02-1):

   See NY-02.

3. Coverage (NY-02-1):

   1. - Specific language institutions may use to refer to their charter, incorporation, registration, course registration, or license was given. No other representations may be made in advertising, promotional materials, or on letterheads. The word "approved" may not be used except by schools approved for training of veterans or the handicapped. (pp. vi, ix)

NY-03-2

2. Application (NY-03-2):

"Every curriculum offered in institutions of higher education must be registered."

"Registration shall not be granted to...institution[s] as a whole but to individual curricula...." (p. 13)

"No institution shall establish a branch campus unless it is authorized by its charter to establish such...or, in the case of a public institution, by its master plan as approved by the Regents and the Governor." (p. 13)

NOTE: See the third prohibition regarding non-traditional schools.

3. Coverage (NY-03-2):

a.
- All curricula must show evidence of careful planning. Institutional, curricular, and course goals and objectives must be clearly defined and published.
- Supportive services and office facilities shall contribute to maximum faculty and administrative efficiency.
- Administrative responsibility for conduct of programs and development of new programs shall be clearly established. Educational policy and implementation are the responsibility of the faculty, its academic officers, and appropriate others on a selective basis. (pp. 14-15)
- Institutions shall have personnel policies for professional staff including academic freedom, opportunity for improvement, work loads, and faculty responsibility to the institution, and written provisions for appointment, ranking, evaluation, promotion, tenure, and dismissal that enhance academic services to students. (p. 15)

b.
- Content and duration of programs shall be designed to implement their purposes.
- New curricula will be consistent with the statewide plan of the Board of Regents to meet state and local needs. (p. 13)
- Curricula and course work shall be based on an average of 30 credit or semester hours for each year of full-time study.
- Junior college curricula must be designed so a degree can be achieved in two academic years of full-time study or equivalent (normally, academic credit will not be granted for excess work).
- Graduate credit shall be awarded only for courses of graduate level difficulty, with prerequisites established where necessary. Research or comparable professional achievement shall be incorporated into graduate programs. (pp. 16-17)
- See 3a, item 1.
- See 3c, item 1.

c.
- Institutions shall grant credit only upon demonstrated student accomplishment of stated course objectives. (p. 15)
- Degrees shall be only those authorized by the Regents and approved by the Commissioner as appropriate for each curriculum registered (see NY-03-1, Section 1). Programs awarding professional degrees for professions requiring licensing shall meet requirements of applicable laws or regulations. (p. 17)

- Associate degree programs shall require 2 academic years of full-time study or equivalent that can be shown to accomplish the same goals; baccalaureate programs, 4 years; master's programs, 1 year beyond the baccalaureate plus a comprehensive examination, thesis, or special project; and doctoral programs, 3 years beyond the baccalaureate plus a substantial research report, independent investigation of a significant topic, production of an appropriate creative work, or development of advanced professional skills.
- Requirements for the Master of Philosophy degree (intermediate between master's degree and Ph.D.) and credit for summer, evening, and extension curricula are specified. (pp. 17-18)
- See 3h, item 1.

d.

- Each member of the academic staff shall have demonstrated by training, earned degrees, scholarship, experience, and classroom performance or other evidence, competence to offer courses and discharge responsibilities.
- In each college division a majority of the faculty shall be full-time, unless the nature of the program justifies otherwise.
- Faculty-student ratio in each course shall be established to achieve maximum effectiveness in instruction.
- In senior colleges and universities at least one faculty member per program must hold an appropriate doctorate. Each staff member is expected to be actively engaged in study of his professional interests.
- For appointment to the graduate faculty, the doctoral degree or other demonstration of competence in a widely recognized manner is required.
- Faculty shall be evaluated periodically. New faculty shall receive special supervision.
- Professional staff members shall have adequate time to broaden professional knowledge, prepare course materials, supervise teaching, direct dissertation work, etc. (pp. 15-16)
- Libraries shall be administered by professionally trained staffs with full clerical support. (p. 14)
- See 3a, items 3 and 4.

e.

- Institutions shall possess facilities sufficient for realizing general academic goals and specific curricular objectives.
- Science laboratories shall have sufficient space, physical equipment, and safety features for individual student work and experimentation in keeping with new developments.
- Language laboratories shall be equipped to permit students to supplement classroom instruction independently.
- Art studios shall have ample space and lighting; music departments shall have sufficient practice rooms and sufficient, well-maintained instruments.
- Library collections shall support each program offered in breadth and depth.
- Classrooms shall be adequate in size, number, and equipment. Other space shall be planned so as to supplement instruction.
- Adequate annual provision shall be made for purchase of new library books and other media. (p. 14)

f.

- Institutions shall possess working capital sufficient for realizing general academic goals and specific curricula. (p. 14)

g.

- Admissions shall take into account capacity of the student to undertake a course of study and capacity of the institution to provide instructional and other support needed for the student to complete the program. (p. 16)
- See 3h, item 1.

h.

- Requirements for admission, residence, graduation, diplomas, certificates and degrees, including time limits and other requirements, shall be clearly defined and published.

- Academic policies, curricular objectives, and grading practices shall be clearly established and announced at beginning of each term and maintained throughout the year. (p. 15)
- Objectives of each curriculum and course shall be defined and published, with a description explicit enough to make clear subject matter, method of instruction, and method of determining achievement. (p. 16)
- See 3j.

i.

j.
- Adequate provision shall be made to record student progress and to inform students regularly of their progress and remaining obligations.

k.

l.

m.

n.
- The administration shall be responsible for providing professional counseling services and an academic advisement program for each student. (p. 15)
- A reviewing system will be devised to estimate success of students and faculty in achieving institutional goals and objectives. (p. 13)
- See 3b, item 2.
- See 3a, item 4.

NY-04

2. Application (NY-04):

"...the commissioner is...authorized to...pay to any private institution of higher education within the state which meets the requirements...amounts of state aid as are authorized [in this Act]...." (p. 1)

3. Coverage (NY-04):

The institution must: (1) be a non-profit college or university incorporated by the Regents or the Legislature; (2) maintain at least one earned degree program culminating in at least an associate degree; (3) meet standards of educational quality applicable to comparable public institutions; (4) be eligible for state aid under the constitutions of the United States and New York State; and (5) submit a financial statement showing assets and liabilities. (p. 1) Also see 4c.

4. Administration (NY-04):

c. • The Commissioner shall promulgate regulations requiring submission of information on programs, curricula, facilities, financial affairs, plans and programs, and administrative procedures. (p. 2)

NORTH CAROLINA

1. Identification:

NC-02

Section 116-15 of Chapter 116, Higher Education: Licensing of nonpublic educational institutions; regulation of degrees

Effective date: 1 July 1972

Stated purpose: See NC-06.

Basic effect: Requires nonpublic educational institutions to obtain licenses to confer degrees; requires such institutions to meet standards established by the Board of Governors of the University of North Carolina in order to obtain a license. Gives authority over the granting of 2-year degrees from community colleges, technical institutes, and industrial education centers to the State Board of Education.

Basic coverage: Private degree granting

NC-02-1

Rules and Standards for Licensing Non-Public Educational Institutions to Confer Degrees

Date revised: 13 February 1976

Stated purpose: "...to assure prospective students and citizens of North Carolina that non-public degree-granting educational institutions operating... in North Carolina meet minimum standards of quality in their operation." (p. 2)

Basic effect: Establishes standards institutions must meet to be licensed to confer degrees; discusses application review and evaluation process in detail.

NC-04

Article 31, Sections 115-245 through 115-254.1, Education: Private Business, Trade and Correspondence Schools

Effective date: 1961

Stated purpose: "...to protect the health, safety and welfare of the public...." (p. 134)

Basic effect: Requires schools to obtain licenses and be bonded.

Basic coverage: Private non-degree granting

NC-04-1

Regulations and Standards for Licensing Private Business, Trade, and Real Estate Schools

Effective date: 1 February 1976

Stated purpose:

Basic effect: Establishes detailed standards to be met and procedures to be followed to obtain a school license.

NC-01

Chapter 115A. Community Colleges, Technical Institutes, and Industrial Education Centers

Effective date: July 1963

Stated purpose: "...to provide for the establishment, organization, and administration of a system of educational institutions throughout the State offering courses of instruction in one or more areas of two-year college parallel, technical, vocational, and adult education programs...." (p. 2)

Basic effect: Authorizes the State Board of Education to establish a department for state-level administration and to adopt regulations and standards for the operation of a system of community colleges, technical institutes, and industrial education centers which shall be separate from the free public school system.

Basic coverage: Public degree and non-degree granting (2-year institutions)

NC-06

Chapter 116. Higher Education

Effective date: Includes amendments up to 1975

Stated purpose: "...to foster the development of a well-planned and coordinated system of higher education, to improve the quality of education, to extend its benefits and to encourage an economical use of the State's resources...." (p. 876)

Basic effect: Authorizes the Board of Governors to govern the 16 constituent institutions, subject to the responsibilities given to each institution's Board of Trustees; to plan and coordinate higher education in the state in consultation with the State Board and private institutions; to determine the educational activities, academic programs, and types of degrees to be awarded; and to administer federal or state aid programs for postsecondary institutions and students.

Basic coverage: Public degree granting

NC-02

2. Application (NC-02):

"No non-public educational institution created or established in this State... by any person...shall have power...to confer degrees [without a license from the Board of Governors of the University of North Carolina]...." (pp. 16-17)

Institutions established on or before 15 April 1923 are not covered under this law.

NOTE: Authority over award of 2-year degrees by community colleges, technical institutes, and industrial education centers remains with the State Board of Education. (p. 18)

3. Coverage (NC-02):

No institution shall be empowered to confer degrees unless it has...

a.
b.
c.
d. • See 3f.
e. • ...equipment sufficient to provide adequate means of instruction in recognized fields of learning.
f. • ...income sufficient to maintain an adequate faculty. (p. 17)

4. Administration (NC-02):

a. • The Board of Governors of the University of North Carolina issues licenses to confer degrees, set standards for licensure, and evaluates non-public institutions applying for license to confer degrees.
   • See NOTE in Section 2.
b. • See 4a, item 1.
c. • Licensed institutions shall file information as the Board directs.

5. Enforcement (NC-02):

a. • The Board of Governors shall call to the attention of the Attorney General, for such action as he may deem appropriate, any institution failing to comply with this Act.
   • If an institution fails to meet required standards, the Board shall revoke its license to confer degrees, subject to right of judicial review. (p. 17)
b.
c. • See 5a.

NC-02-1

2. Application (NC-02-1):

"To be issued a regular license, the institution must meet the minimum standards as required by the Board of Governors."

NOTE: Accreditation by an appropriate USOE-recognized accrediting agency may be accepted as evidence of compliance with minimum standards for an institution or for those of its programs which are accredited. (p. 4)

NOTE: To be licensed, institutions must be state-chartered or, if chartered in another state, have a certificate of authority to conduct its affairs in North Carolina issued by the Secretary of the State of North Carolina.

3. Coverage (NC-02-1):

To be licensed, an institution must demonstrate that it can be operated in compliance with standards in the second NOTE of Section 2, 4b, item 1, and the following items:

a.

b. • The quality and content of each program are such as may reasonably and adequately achieve its stated objective.

c. • Upon satisfactory completion of training, students are given appropriate educational credentials.

d. • Education, experience, and other qualifications of directors, administrators, supervisors, and instructors reasonably insure that students will receive education consistent with program objectives, and that such persons and trustees, owners, staff, and chief executive officers are of good reputation and character.
   • See 3e, item 1.

e. • The institution has adequate space, equipment, materials, and personnel to provide education of good quality.
   • The institution is operated in compliance with all ordinances, laws, rules, and regulations relative to safety and health.
   • Any student housing owned, maintained, or approved by the institution is appropriate, safe, and adequate.

f. • The institution is financially sound and capable of fulfilling commitments to students.

g. • No student is excluded from admission based on race, sex, creed, or national origin.

h. • The institution provides students and other interested persons with a catalog describing programs, program objectives, program lengths, tuition, fees, and all other charges for program completion, refund policies, and other material facts reasonably likely to affect a student's decision to enroll. Other disclosures required by the Board of Governors or regulations shall also be made therein, and the catalog shall be provided to prospective students prior to enrollment.

i. • Neither the institution nor its agents engage in advertising, sales, or other practices which are false, deceptive, misleading, or unfair.
   • Agents are of good reputation and character and represent only institutions meeting minimum standards.

j. • Adequate records are maintained to show attendance, progress, or grades.

k. • Neither the institution nor its agents engage in collection, credit, or other practices which are false, deceptive, misleading, or unfair.

l. • The institution has a fair and equitable refund policy.

m.

n. • Satisfactory standards are enforced related to attendance, progress, and performance. (pp. 2-4)

4. Administration (NC-02-1):

a. • The Board of Governors of the University of North Carolina issues provisional and regular licenses to confer degrees, requires further evidence when necessary from accredited institutions seeking licenses, reviews applications, visits or designates persons to visit campuses of applicant schools, acts upon team recommendations and other information received, renews licenses, and approves new degree programs at licensed institutions. (from the whole document)

b. • Institutions must be in operation for one year before applying for a provisional license.

- Institutions must be in operation for two years under a provisional license before they can apply for a regular license. (p. 4)
- Detailed procedures are described for application evaluation for either a provisional or regular license. Procedures are intended to cover all but exceptional cases. Highlights are: (1) preliminary conference of the institution's president with the Board president; (2) statement of intent by the institution; (3) submission of letter of application and appropriate documentation; (4) examination visit by a team of examiners appointed by the Board president; (5) team report and recommendations to the Board president; (6) institutional hearing if desired by the Board president or the institution president; (7) optional withdrawal of request if recommendations are unfavorable; (8) Board of Governors' action; and (9) issuance of license. (pp. 4-9)

c. • Documentation required with an original regular license application includes evidence that the institution has achieved and will maintain minimum standards.

- The Board may require further evidence it judges necessary from institutions offering their accredited status as proof of compliance with minimum standards. (p. 4)
- An accredited institution must submit its self-study and accrediting agency's analysis, findings, and recommendations, including: (1) philosophy and purpose; (2) administrative organization and control; (3) faculty; (4) students and student services; (5) educational program; (6) finances; (7) library; (8) physical plant; and (9) auxiliary activities. Other evidence, such as current statistical data on enrollments, programs, student charges, faculty, library, and finances will also be reviewed. (pp. 5-6)
- If an institution is seeking a provisional license, the above documentation should show that the institution can meet minimum standards within two years. A statement from an appropriate accrediting agency that the institution can reasonably expect full accreditation within two years may suffice. Copies of documents furnished to the accrediting agency, organizational plans for self-evaluation, and preliminary recommendations of the accrediting agency in regard to the nine areas in the above item should be included. (pp. 8-9)

- Institutions wishing to add degree programs to their existing offerings must file for license amendments and give full documentation including curriculum outline, faculty qualifications, anticipated enrollment, financial support, and relation of proposed program to institutional purpose.

d. • A provisional license is valid for 2 years from date of issue and is not renewable except under unusual circumstances. (p. 9)
   • A regular license is renewable every 2 years from date of issue. (p. 8)

e. • Costs of an examination visit and any necessary subsequent visits shall be borne by the school. (p. 6)

f. • See 4b, item 1.

5. Enforcement (NC-02-1):

a. • See NC-02, 5a, item 1.

b.

c. • Any person wishing to challenge the decision of the Board has the right to judicial review as provided in the administrative procedures act of North Carolina.

NC-04

2. Application (NC-04):

"No person shall operate ..or offer to operate in this State a private school ...unless a license is first secured from the State Board of Education...." (p. 135)

"School" means a private business, trade, or correspondence school.

A license constitutes formal acceptance by the Board of the educational program and facilities of each school approved. (p. 135)

Exemptions:

a. Nonprofit schools conducted by bona fide eleemosynary or religious institutions.
b. Schools or classes by employers for employees which charge no fee.
c. Nonprofit courses given by a fraternal society, civic club, or benevolent order.
d. Schools for which another licensing board in the state legally exists.
e. Any established university, professional, or liberal arts college, public or private high school approved by the State Department of Public Instruction, or any state institution which offers courses covered in this article, provided that tuition and other charges are collected according to the institution's rules.

3. Coverage (NC-04):

The Board shall issue licenses to applicants who meet, or whose programs or courses meet, the following criteria indicated thus (*) and additional criteria as deemed necessary by the Board:

a. • The Board shall issue licenses to schools which meet its standards regarding legitimate operating practices.
   • One purpose of Board supervision of licensed schools is to have them maintain satisfactory programs of operation.
b. • The Board shall issue licenses to schools whose sustained curriculum is of a grade equal to similar public schools in the state.
   • One purpose of Board supervision of licensed schools is to have them maintain satisfactory programs of instruction. (p. 134)
   *• Courses and instruction are consistent in quality, content, and length with similar courses in public and private schools in the state, with recognized accepted standards. (p. 136)
c. *• Upon completion of training, the student is given a certificate or diploma indicating the approved course and satisfactory completion of training. (p. 136)
d. • The Board shall issue licenses to schools which meet its standards regarding competent personnel.
   • One purpose of Board supervision of licensed schools is to have them maintain sufficient and qualified teaching staff. (p. 134)
   *• The institution has adequate instructor personnel to provide training of good quality.

*● Education and experience qualifications of director, administrators, and instructors are adequate, and all these persons plus the owners are of good reputation and character. (p. 136)

e. ● The Board shall issue licenses to schools which meet its standards regarding adequate facilities.

● One purpose of Board supervision of licensed schools is to have them maintain adequate, safe, and sanitary school quarters and sufficient and proper facilities and equipment. (p. 134)

*● The institution has adequate space, equipment, and instructional material to provide training of good quality.

*● The school complies with all governmental regulations, such as fire, building, and sanitation codes. (p. 136)

f. ● The Board shall issue licenses to schools which meet its standards regarding financial stability. (p. 134)

*● The school is financially sound and capable of fulfilling its commitments for training. (p. 136)

● Before a license will be issued, a bond must be executed by the applicant in the sum of $1,000 payable to the State of North Carolina, conditioned that the school will comply with each contract made by it or its agents with any student. Notice of approval of the bond by the clerk of the superior court must be filed with the Board before license will be issued. Separate bonds of $1,000 must be filed for each branch of a school. (pp. 138-9)

g.

h. ● The school bulletin shall contain the following information: (1) identifying data, such as volume number and date; (2) names of the institution and its governing body, officials, and faculty; (3) calendar of the institution showing legal holidays, beginning and ending date of each quarter, term or semester, and other important dates; (4) policy and regulations relative to leave, absences, class cuts, make-up work, tardiness, and interruptions for unsatisfactory attendance; (5) policy and regulations on enrollment dates and specific entrance requirements for each course; (6) policy and regulations relative to required standards of student progress, defining grading system of the institution, minimum satisfactory grades, conditions for interruption for unsatisfactory progress and description of any probationary period allowed, and conditions of re-entrance. A statement will be made regarding progress records kept by the institution and furnished the student; (7) policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct; (8) detailed schedule for fees, charges for tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other charges; (9) policy and regulations relative to refunds; (10) description of the available space, facilities, and equipment; (11) outline for each course showing subjects or units, type of skills to be learned, and approximate time and clock hours to be spent on each subject or unit; and (12) policy and regulations relative to granting credit for previous educational training. (pp. 135-6)

*● Copies of course outlines, schedule of charges, regulations on absences, grading policy, and rules of operation and conduct will be furnished the student upon enrollment. (p. 136)

i. ● One purpose of Board supervision of licensed schools is to have them carry out advertised promises and contracts made with students and patrons. (p. 134)

*● The school does not utilize advertising of any type which is erroneous or misleading by statement, omission, or intimation. (p. 136)

j. • See 3h, item 1, point 6, last sentence.
*• The school maintains written records of previous student education and training.
*• Adequate records as prescribed by the Board are kept to show attendance and progress or grades.

k.

l.

m.

n. *• Satisfactory standards of attendance, progress, and conduct are enforced.
*• The school does not exceed its enrollment limitation as established by the Board. (p. 136)

4. Administration (NC-04):

a. • The State Board of Education, acting by and through the Superintendent of Public Instruction, administers and enforces this Act, issues licenses, issues regulations necessary to administer this Act, sets forth standards and criteria for school approval, provides for investigations of schools applying for licenses, and provides for periodic inspection of licensed schools. (p. 134-5)
• The Superintendent shall appoint an advisory committee to advise on rules, regulations, criteria, school operation, and program development for schools governed by this Act. (p. 138)

b. • After due investigation and consideration by the Board, a license shall be issued to schools meeting the criteria in 3a-n marked thus (*). (p. 136)

c. • Periodic reports from schools and investigations by Board representatives shall be required. (p. 134)
• Application shall be filed on forms furnished by the Superintendent, shall be signed by the applicant and properly verified, and shall contain such of the following information as may apply to the school or branch: (1) name of the school and name and address of the ownership and controlling officers; (2) general field of instruction; (3) place(s) where instruction will be given; (4) a specific listing of the equipment available for instruction in each field; (5) qualifications of instructors and supervisors; (6) financial resources available to equip and maintain the school; (7) a copy of the current bulletin or catalog of the school in published form, certified by an authorized official of the school as being true and correct in content and policy, containing all information in 3h, item 1; and (8) additional information as the Board deems necessary.
• Licenses issued shall be restricted to programs specifically indicated in the application. Approval of additional programs during the effective period of the license requires a supplementary application as the Superintendent directs. (p. 135)
• Licenses are not transferable to new owners.
• Changes in ownership, administration, location, faculty, instructional program, or others which may significantly affect the course of instruction must be reported to the Board immediately.
• Renewal applications shall be filed in the form prescribed by the Board, accompanied by renewal fee. (p. 137)

d. • Licenses are renewable annually on 1 July, provided application and fee are filed and criteria continue to be met.

e.

f.

g.
- The Board shall maintain a list of approved schools for the information of the public.

5. Enforcement (NC-04):

a.
- The Board, acting by and through the Superintendent, shall have authority to refuse to issue a license, refuse to renew a license, suspend or revoke a license, and hold hearings. (p. 137)

b.

c.
- License may be refused, suspended, or revoked if the Board finds that the school: (1) has violated this Act or regulations promulgated under it; (2) has knowingly presented to the Board false or misleading information relating to approval; (3) has failed to permit authorized representatives of the Board to inspect the school, or has refused to make available to them requested information; (4) has committed fraud or deceit in advertising the school or in presenting to prospective students written or oral information relating to the school, to employment opportunities, or to opportunities for enrollment in other institutions upon completion of the school's instruction; (5) has pleaded guilty, entered a plea of nolo contendere, or has been found guilty of a crime involving moral turpitude; (6) has failed to maintain premises, equipment, or conditions which are adequate, safe, and sanitary; (7) is employing teachers, supervisors, or administrators who have not been approved by the Board; (8) has failed to maintain adequate premises, equipment, materials or supplies, or has exceeded the maximum enrollment for which the school or class was licensed; or (9) has failed to maintain adequate standards of instruction or an adequate and qualified administrative, supervisory, or teaching staff. (pp. 137-8)
- Actions of the Board or Superintendent to refuse, revoke, or suspend a license shall be subject to judicial review in accordance with procedures of another law. (p. 137)
- For violation of a contract with a student or other good cause, the Board is authorized to revoke school licenses. (p. 139)

d.
- Bonds shall be conditioned to pay back student tuition and fees collected by the school in case of school failure to open or to comply with its contracts for instruction for the full period of the contract. If the school fails to comply with the contract, the student, parent, or guardian shall have cause of action against the school and sureties on the bond for full amount of payments made plus 6% interest from the date of payment.
- Conducting a school without a license or without a bond is a misdemeanor punishable by a fine of not less than $100 nor more than $500 or 30 days imprisonment, or both, for each day of operation.
- Contracts with unlicensed schools are null and void. (pp. 138-139)

NC-04-1

2. Application (NC-04-1):

See NC-04.

The Associate in Applied Arts degree may be awarded by business schools upon licensure by the State Board of Education. Specific curricular requirements are given.

3. Coverage (NC-04-1):

a.

b.
- Schools may measure instruction on a clock-hour or credit-hour basis. Class period shall permit a minimum of 50 minutes net instruction. (p. 2-19)
- Specific subjects and/or hours are given for business school curricula for which degrees are awarded (see Section 2) and for real estate curricula. (pp. 2-21, 2-22)
- See 3d, item 2.

c.
- Diplomas and degrees shall be issued only on completion of a st ndard diploma or degree course. (p. 2-19)

d.
- Schools shall maintain sufficient qualified faculty to teach all subjects required to complete a course in the time stipulated in the catalog as necessary for course completion.
- The number of curricula offered by a school shall be realistic in relationship to faculty and student enrollment, generally no more than the number of full-time faculty.
- Student-teacher ratio shall not exceed 30 to 1.
- An application for approval to teach in a licensed school or class must be immediately made on forms provided when the teacher commences teaching. A teacher must be qualified by education and background experience and must meet the following minimum requirements: (1) be a person of good moral character; (2) be at least 21 years of age; and (3) be a graduate of a standard college or university and hold a baccalaureate degree. (pp. 2-19 -- 2-20)
- One person must be designated as director of the school or branch. The director must be qualified in accordance with requirements established by the Board of Education. The director is directly responsible for the school program, methods of instruction, employment of teachers, organization of classes, maintenance of the school plant and equipment, advertising, maintenance of proper administrative records, and all other administrative procedures. The director must: (1) be a person of good moral character; (2) be a graduate of an approved college or university; and (3) have experience as a teacher in subject(s) taught in the school. Persons who possess equivalent qualifications may be individually approved by the Board of Education. (p. 2-16)

e.
- The school plant, premises, facilities, equipment, supplies, and materials must be adequate, safe, and sanitary and must be in compliance with local statutory provisions and regulations pertaining to fire, health, safety, and sanitation.
- Equipment, supplies, and instructional materials must be satisfactory and adequate in type, quality, and amount, and must be suitable for satisfactory use in administering course(s) of instruction. (pp. 2-15 -- 2-16)

f.
- The school shall have sufficient finances to carry out a satisfactory program of education on a continuing basis.
- The school shall maintain a satisfactory credit rating. (p. 2-20)

g.
- The school shall require graduation from high school as a prerequisite to enrollment in a diploma or degree course. Exceptions may be made for students who hold a Certificate of High School Equivalency. The school shall maintain records in students' files to show compliance with admission requirements.
- The school may admit to special courses or subjects students which it believes can profit from the instruction. The school shall not permit students of high school age to attend the school while high schools are in regular session without approval of the high school principal. (pp. 2-17 -- 2-18)

h.
- The school catalog shall contain all information described in NC-04, 3h, item 1.
- Printed catalogs or information must be specific with respect to: prerequisite training required for admission to school courses; curricula; contents of courses; graduation requirements; tuition and other fees; specific terms for payment; refunds and allowances for withdrawals; and unavoidable or extended absences.
- Schools shall publish tuition rates, payment method, and refund policy in their catalog or separate sheet and shall not deviate from these rates and policies.
- Admission requirements must be published and administered as written.
- Schools shall post at the beginning of each quarter the schedule of subjects being offered, showing the time, teacher, and room number. Students shall be given their written individual schedules at the beginning of each quarter.
- Schools shall not publish in their catalog courses they have not been licensed to offer. When a school fails to maintain the qualifications for continuing a course, the course shall be removed from the catalog or stamped "not offered."
- A school shall arrange its calendar one calendar year in advance and give full information to prospective and enrolled students about holidays, beginning and ending dates of each quarter, term, or semester, and other important dates.
- The school catalog shall clearly define how instruction is measured (clock-hours or credit-hour basis) and show the number of hours for each subject and minimum hours required for full-time enrollment. Courses offered on a credit-hour basis must show class hours, laboratory hours, and credit hours. (pp. 2-16 -- 2-19)
- See 3k, item 2.

i.
- Schools shall not advertise that they offer courses they are not licensed to offer.
- Schools shall not use any name or designation that is misleading or deceptive as to character of the institution or its influence in obtaining employment for students.
- Schools shall be degree granting or accredited as a junior college of business in order to delete "business" from name of school.
- Schools shall not use photographs or illustrations in conveying false impressions as to size, importance, or location of school equipment.
- Schools shall not use endorsements by students except with the consent of the writer and without any offer of financial compensation. Such material shall be kept on file by the school.

- Schools shall not make or publish false, untrue, or deceptive statements or representations concerning other private business schools or the character, nature, quality, value or scope of their courses of instruction or educational services.
- Schools shall not solicit students to enroll by means of "blind" advertisements or advertisements in the "help-wanted" or other employment columns of newspapers and publications.
- Schools shall not make false, untrue, or deceptive statements or representations regarding opportunities in any vocation or field of activity as a result of completion of any given educational program. (pp. 2-16 -- 2-17)
- No school representative shall solicit any student to leave a school in which he is enrolled or in attendance.
- School representatives must not guarantee positions or employment to prospective students. (p. 2-20)

j.
- See 3g, item 1.
- See 3i, item 5.
- The school shall maintain current, complete, and accurate records to show the following for each student: (1) educational and personal background, age, and other personal characteristics that will be helpful to prospective employers; (2) progress and attendance including dates attended, subjects studied, and time. They shall be in a form which permits easy and accurate preparation of transcripts of educational records for purposes of student transfer and placement, reports to government agencies, or other purposes. Transcripts shall be readily understandable by lay persons and educators alike. Grading system shall be fully explained on the transcript form. Subjects appearing on the transcript shall be designated to indicate exact subject matter covered. Skills and proficiency in subjects measurable by words per minute shall describe fully the type of test and scoring; and (3) all monies owed and paid.
- Student records shall be open for inspection by authorized officials of the Board. Financial records shall be open for such inspection when the Board has information which tends to show that financial status of the school is unstable. (p. 2-18)

k.
- See 3h, item 3.
- Schools or classes must not offer premiums or special inducements to prospective students. Scholarships may be offered provided terms of scholarship are published and approved by the Board.
- Failure to maintain tuition rates as published is grounds for suspension or revocation of school license. (p. 2-20)

l.
- See NC-04, 3h, item 1, point 9.

m.
- See 3i, item 10.

n.
- Schools shall schedule classes so students will be able to receive instruction in all subjects for the number of instructional hours in the school bulletin under which students enrolled.
- Students shall be enrolled in diploma or degree programs only at the beginning of quarters or terms. (p. 2-19)

4. Administration (NC-04-1):

a.
- The State Board of Education makes and amends these regulations and makes amendments effective after notices have been published for a reasonable time. (p. 2-21)
- See NC-04, 4a.

b. ● A preliminary application for license shall be submitted setting forth proposed school location, facilities, director's qualifications, courses, and financial resources. Upon approval of the preliminary application, a final application may be submitted.

c. ● The final application shall be verified and accompanied by: (1) fee; (2) copy of the school catalog, as described in NC-04, 3h, item 1; (3) a financial statement showing capital investment, assets and liabilities, and proposed operating budget; (4) complete details of ownership; (5) information on all full-time and part-time administrative and instructor personnel (on forms provided); (6) enrollment application or student contract form; (7) school floor plan showing doors, windows, halls, seating arrangement, offices, rest rooms, storage space, size and seating capacity for each classroom, lighting kind and intensity, and type of heating and cooling; (8) copies of inspection reports showing that the building is safe and sanitary and meets all governmental regulations such as fire, building, and sanitation codes; (9) if building is not owned by the school, copy of the lease; and (10) letter from the Clerk of Superior Court of the county in which the school is located stating that an acceptable bond has been filed.

● Licenses are not transferable to new owners; new owners must submit new applications in full. The terms "previously submitted" will not suffice.

● A separate license is required for each school branch. Classes in separate locations must be reported and approved prior to advertising and commencement of classes.

● Renewal applications shall be submitted on forms prescribed accompanied by: (1) fee; (2) all information required of schools applying for an original license that has not been previously submitted; (3) copy of current catalog; and (4) any supplementary information necessary to bring information on the school up to date. (pp. 2-13 -- 2-15)

● Schools may not offer courses they are not licensed to offer. (p. 2-18)

d. ● Licenses shall expire annually on 30 June. (p. 2-13)

e. ● Fee for an original license is $50; for each renewal, $25. (pp. 2-13, 2-15)

5. Enforcement (NC-04-1):

a.

b.

c. ● License may be revoked when it is found that the school has failed to comply with requirements of law or regulations adopted by the Board. A school shall be notified by registered mail and opportunity to be heard shall be provided upon written request. If it is determined after a hearing that the school is in violation of the law or regulations and it is the decision of the Board to revoke the license, the school shall be notified in writing. Revocation shall be effective on date of the Board's final action. (pp. 2-20 -- 2-21)

2. Application (NC-01):

Applies to community colleges, technical institutes, and industrial education centers.

Provides for the transferral of existing public community colleges established and operated under Article 3, Chapter 116 (NC-06) to the provisions of 115A (NC-01). (p. 4)

3. Coverage (NC-01):

a.
- Each institution shall offer vocational and technical education and training, and basic academic education for students who are high school graduates or beyond the compulsory age limit of the public school system, which shall meet the educational needs of the particular geographic area.
- Each institution shall be governed by a Board of Trustees. (p. 5) The Trustees' authority, however, is delegated to them by the State Board of Education and may be restricted or withdrawn at will.

b.
- Community colleges shall offer the freshman and sophomore courses of a college of arts and sciences, an organized curricula for training technicians and vocational, and trade and technical specialty courses and programs.
- Industrial education centers shall offer vocational, trade, and technical specialty courses and programs. (p. 2)
- Technical institutes shall offer organized curricula for training technicians and vocational, trade, and technical specialty courses and programs. (p. 3)
- The State Board of Education shall have authority to establish and administer standards for curricula.

c.
- The Board shall have authority to administer standards for admissions and graduation and to regulate the awarding of degrees, diplomas, and certificates.

d.
- The Board shall have authority to approve the selection of the chief administrative officer, establish standards and scales for salaries, and administer standards for professional personnel. (p. 5)
- The trustees may provide instructional services by contracting with other public or private educational institutions. (p. 8)

e.
- The Board shall be responsible for providing funds to meet the financial needs of institutions for facilities, equipment, and libraries and to match local expenditures for capital improvements.

f.

g.
- See 3c.

h.

i.

j.

k.
- The Board may fix and regulate all tuition and fees charged to students enrolling in state institutions. (p. 15)

4. Administration (NC-01):

a. ● The establishment of all community colleges, technical institutes, and centers shall be approved by the State Board.
   ● The Board may adopt regulations and standards to insure the quality of educational programs, to promote the systematic meeting of educational needs, and to equitably distribute state and federal funds to the institutions. (p. 5)

b. ● The approval of any institution or the expenditures of any state funds for capital improvements shall be subject to prior approval of the Governor and the Advisory Budget Commission. (p. 4)

c. ● Trustees of each institution shall annually submit a budget to the State Board for approval. (p. 15)

5. Enforcement (NC-01):

a. ● The State Board of Education may withdraw or withhold state financial and administrative support if the required local financial support is not provided, sufficient state funds are not available, the institution fails to maintain prescribed standards of administration or instruction, or local educational needs for such an institution cease to exist. (p. 5)

6. Other (NC-01):

Approval for the establishment of an institution shall not be granted unless a genuine educational need exists that other local institutions will not meet, adequate local financial support will be provided without adversely affecting other local public schools, and sufficient state funds for support are available. (p. 3)

NC-06

2. Application (NC-06):

Prohibits additional community colleges from being organized or operated under Chapter 116, Article 3, after the effective date of Chapter 115A (NC-01), 1 July 1963, giving the State Board of Education sole authority.

Prohibits private institutions from conferring degrees except as provided in Section 116-15. (See NC-02.) (p. 884)

3. Coverage (NC-06):

a. • The Board of Governors shall be responsible for the general supervision and governance of the constituent institutions, and may adopt necessary regulations and acquire or dispose of property.
   • The Board shall define and delegate powers and duties to each board of trustees. (p. 888)

b. • The Board shall determine the educational activities and academic programs.

c. • The Board shall determine the types of degrees to be awarded.

d. • The Board shall set enrollment levels of the constituent institutions.

e.

f. • The Board shall present a total recommended budget for all public senior higher education to the Governor, Assembly, and the Advisory Budget Commission, and appropriate funds directly to each institution. (p. 881)

g. • An applicant denied admission to an institution may request that the institution send to the Information Center appropriate nonconfidential information concerning the application and that the Center direct the attention of the applicant to other institutions, and the attention of other institutions to the applicant.
   • A "student" shall mean a resident of the state classified as an undergraduate, as defined by the Board. (p. 886)

h. • The Board shall establish, with the cooperation of the public and private institutions, an Educational Opportunities Information Center to provide information and assistance to prospective students regarding admissions, transfers, and enrollments. (p. 885)

i.

j.

k. • The Board shall set tuition and required fees at the institutions. (p. 881) and prohibit tuition and fee waivers except when authorized by statute; all students in state institutions shall be required to pay tuition. (p. 917)
   • To qualify for in-state tuition, a legal resident must have maintained a domicile for at least 12 months prior to classification as a resident for tuition purposes. (p. 918)
   • Higher fees from non-residents may be charged. (p. 920)
   • Any student enrolled in a state-supported postsecondary institution who is convicted of unlawful behavior on campus shall have state scholarships or funds revoked. (p. 925)

- The State Education Assistance Authority is created to provide a system of financial assistance for qualified residents to obtain an education beyond the high school level at eligible public or private institutions. (p. 938)

4. Administration (NC-06):

a.

b. - The Board of Governors shall approve the establishment of any new publicly supported institution above the community college level.
   - The Board, after adequate notice and after affording the institutional Board of Trustees an opportunity to be heard, shall have authority to withdraw approval of any existing program that appears unproductive, excessively costly, or unnecessarily duplicative. (p. 881)

c. - The Board shall collect and disseminate data concerning higher education in the state, and may prescribe uniform reporting practices for constituent institutions. (p. 882)

6. Other (NC-06):

Requests from private institutions for state assistance to the institutions or their students shall be submitted to the Board for review and recommendation before being presented to another state agency or the General Assembly. (p. 882)

The Board is authorized to contract with private institutions to educate needy state residents by paying a fixed sum of money for each student enrolled. (p. 885)

Eligible private institutions shall be accredited by the Southern Association of Colleges and Schools and shall not be a religious institution. (p. 886)

NORTH DAKOTA

1. Identification:

ND-01

Trade and Correspondence Schools -- Sections 15-50-01 through 15-50-12

Effective date: 1943

Stated purpose:

Basic effect: Requires schools to obtain licenses and agents to obtain permits; requires agents to be bonded; requires schools to be accredited.

Basic coverage: Private non-degree granting

NOTE: For private degree granting schools, the only currently applicable law is that requiring incorporation before operation in-state. New legislation just passed will govern both degree and non-degree granting schools.

ND-01-1

Rules and Regulations

Effective date:

Stated purpose:

Basic effect: Requires out-of-state trade and correspondence schools seeking licenses to have been in operation long enough to have graduated at least three classes from each course offered; requires such schools to be accredited by NHSC or other USOE-recognized accrediting agencies; limits number of solicitors for any one school to four at any one time.

No further abstract prepared.

ND-01

2. Application (ND-01):

"Every private trade, industrial, vocational, technical, business or correspondence school, shall procure a license...." (p. 1)

"Every solicitor, before engaging in such business, first shall procure a permit...." (p. 2)

"School" means any of the schools mentioned above conducted for profit or tuition to teach any vocation or trade.

Exemptions:

a. Schools or colleges regularly chartered and authorized by state law to grant degrees.
b. Endowed schools offering approved courses without profit.
c. Schools exclusively training the physically handicapped.
d. Schools conducted by employers for employees.

NOTE: Before a license will be issued, the Executive Officer shall approve the school's accreditation by a recognized accrediting agency. (p. 1)

3. Coverage (ND-01):

Licenses shall be issued upon faithful performance of all agreements and contracts with students, as disclosed in the application, and compliance with the Act and regulations. (p. 2)

A license shall not be issued until the Executive Officer has approved:

a.
b. ● The standards and methods of instruction.

c.

d. ● Teacher qualifications.
e. ● Equipment and housing provided and the sufficiency of equipment.
f. ● Sufficiency of resources. (p. 1)
● Solicitor applicants must supply a continuing bond to the State of North Dakota in the penal sum of $1,000, conditioned for faithful performance of all contracts between students and solicitor or school, as disclosed in the application for permit, and for compliance by the solicitor with this Act and regulations. (p. 2)

g.
h. ● Form and content of student enrollment agreement or contract.
i. ● Method and content of advertising. (p. 1)

j.
k. ● Schools shall not negotiate any promissory instrument received in payment of tuition or other charges before one-half of the course of instruction is completed. (p. 3)

1.
- School refund policy shall be: (1) when written notice of cancellation is received before or within 7 days after completion of first day of instruction or receipt by the school of first correspondence lesson, all but $25 shall be refunded; (2) when written notice is received within 30 days of completion of first day of instruction or before completion of one-fourth of the course, all but 25% of tuition and other charges shall be refunded; (3) when written notice is received after completion of one-fourth but before one-half of the course, all but 50% of tuition and other charges shall be refunded; and (4) after one-half the course is completed, no refund is due.
- If contract is cancelled within 7 days, no tort or contract liability shall be incurred. (p. 3)

4. Administration (ND-01):

a.
- The Executive Officer of the State Board of Vocational Education (who is the Director of Vocational Education) issues licenses, approves matters discussed in 3a-i and Section 2 NOTE, and issues solicitor permits.
- The State Board of Vocational Education makes and amends rules and regulations prescribing standards for schools and regulating school and solicitor conduct.

b.

c.
- Application for license or permit shall be on forms furnished by the Executive Officer. (pp. 1-2)
- School licenses may be renewed subject to continued compliance with regulations of this Act.

d.
- Licenses and permits expire annually on 30 June.

e.
- Fee for a solicitor's permit is $25. (p. 2)

f.

g.
- The Executive Officer shall annually send a list of approved schools to all superintendents of school districts, county superintendents of schools, and certified guidance counselors. (p. 3)

5. Enforcement (ND-01):

a.
- The Board may revoke licenses or permits for cause upon notice and hearing.
- The Executive Officer may suspend a license or permit pending outcome of Board hearing.

b.

c.
- See Section 3 introductory note.
- See 5a.

d.
- See 31, item 2.
- Any person violating this Act shall be punished by a fine not exceeding $100 or imprisonment not exceeding 90 days or both.
- Any person defrauded by a misrepresentation by a school, agent, advertisement, or textbook salesperson may recover three times the amount paid. (p. 2)
- Refund policy provisions shall not prejudice a student's right of recovery in an action against a school for breach of contract or fraud. (p. 3)

OHIO

1. Identification:

OH-01

Chapter 3332 -- Certification of Private Schools

Approved: 22 August 1969

Stated purpose:

Basic effect: Requires certificates of registration for schools, permits for agents, and bonding of both.

Basic coverage: Private degree and non-degree granting (excluding colleges and universities)

OH-01-1

Standards, rules, and regulations governing the registration of private schools and agents

Effective date: 1 December 1970

Stated purpose:

Basic effect: Sets standards and procedures for issuing certificates of registration and agents' permits; includes requirements for authorization to confer the associate degree.

OH-02

Chapter 1713 -- Sections 1713.01 - 1713.04 and Sections 1713.06, 1713.09, and 1713.25 -- Educational Corporations

Effective date:

Stated purpose:

Basic effect: Requires private colleges and universities to receive certificates of authorization.

Basic coverage: Private degree granting

OH-02-1

Ohio Board of Regents Amended R.6.-1-08 -- Standards for Issuance of Certificates of Authorization Under Section 1713.03, Ohio Revised Code

Effective date: 1 June 1974

Stated purpose:

Basic effect: Sets standards and procedures for qualification for a Certificate of Authorization; sets special standards for off-campus instructional activity.

OH-03

Ohio Revised Code, Sections Pertinent to Higher Education, Statutory Provisions; Chapter 3333 -- Board of Regents. Sections 3333.04--Powers of the Board; 3333.05--Authority over Community Colleges; 3333.07--Restrictions on Institutions; 3333.12--Instructional Grants; 3333.14--Technical Education Programs

Revised: 1974

Stated purpose:

Basic effect: Creates the Ohio Board of Regents and defines its powers, authority, and responsibilities relating to public higher education. Requires the Board to formulate a master plan for higher education, to make recommendations to the Governor and the General Assembly concerning that plan, to recommend program changes and budget appropriations for state institutions, and to approve and charter community colleges.

Basic coverage: Public degree and non-degree granting

OH-03-1

Ohio Board of Regents: Procedure for Consideration of New Degrees and New Degree Programs Other Than Doctoral Degrees and Associate Degrees (R.G. 1-05)

Effective date: October 1972; revised January 1975

Stated purpose: Board is authorized to "...approve or disapprove all new degrees and new degree programs at all state colleges, universities, and other state-assisted institutions of higher education." (Section 3333.04) (p. 1)

Basic effect: Requires state-assisted institutions to obtain preliminary approval of Board and internal approval of institution before formal application is made to Board for approval of any new degree or degree program.

OH-03-2

Ohio Board of Regents, Procedure for Consideration of New Doctoral Degree Programs (R.G. 1-07)

Effective date: July 1969; revised 1977

Stated purpose: Authorizes Board to "...approve or disapprove all new degrees and new degree programs at all state colleges, universities, and other state-assisted institutions of higher education." (p. 1)

Basic effect: To plan, coordinate, and approve new doctoral degree programs which meet needs not met by existing programs in the academic disciplines and in professional fields of study.

OH-03-3

Ohio Board of Regents. The Ohio Instructional Grants Program: Rules and Regulations (Applicable to the 1977-78 Academic Year); R.G. 1-09 (Revised)

Effective date: July 1976

Stated purpose: To define resident, full-time, undergraduate students qualified to receive institutional grants while attending an eligible Ohio institution of higher education (Section 3333.12).

Basic effect: Restricts financial support from state to students who are classified as Ohio residents (defines exceptions), who are making appropriate progress toward an undergraduate degree, and who are attending an eligible institution. Includes refund procedures, duration of grants, application, payment, and appeal procedures.

Basic coverage: Public and private, non-profit degree granting

OH-03-4

Ohio Board of Regents, Standards for the Approval of Associate Degree Programs (R.G. 1-04)

Effective date: July 1972

Stated purpose: "...to maintain quality of Associate degree programs, particularly in technical education; to encourage admission of students...to benefit from [such] programs; to supply state and community manpower needs with [graduates] from [such] programs; to avoid...duplications of instructional facilities and programs in various sections of the state; [and] to insure programs of quality with the finances available." (p. 1)

Basic effect: To approve new associate degree programs in state-supported and state-assisted institutions of higher education which constitute areas of specialization leading to a designated degree.

OH-04

Ohio Revised Code. Chapter 3345 - State Universities--General Powers. Sections 3345.01--Nonresident tuition; 3345.02--Students exempt from tuition in state schools; 3345.06--Entrance requirements of high school graduates

Effective date: 1974

Stated purpose: To state the general powers of the boards of trustees of Ohio state universities.

Basic effect: Establishes that the board of trustees of any college or university which receives any state funds shall have full power and authority on all matters relative to the administration of those schools.

Basic coverage: Public degree granting (state universities)

OH-05

Ohio Revised Code. Chapter 3349 - Municipal Educational Institutions

Effective date: 1974

Stated purpose: Authorizes boards of directors of municipal universities to govern and control those institutions and to confer degrees. (p. 100)

Basic effect: Directs that boards of directors shall be appointed by the Governor with consent of the Senate and authorizes Board to appoint staff, provide facilities, and pass rules and regulations concerning admissions, tuition, and courses of study

Basic coverage: Public degree and non-degree granting

OH-06

Ohio Revised Code. Chapter 3351 - State Scholarships and Scholarship Funds

Effective date: 1974

Stated purpose: Creates the Ohio Student Loan Commission "...to make available...improved opportunities for education...by guaranteeing loans...[for residents]...attend[ing] eligible institutions of education..." (universities, colleges, vocational, and technical institutions. (p. 126)

Basic effect: The Ohio Student Loan Commission may guarantee the loan of money to assist persons attending eligible institutions to meet educational expenses, prescribe the academic status required to obtain loans, and approve the eligible institutions in which students must be enrolled or accepted to be eligible for guaranteed loans. Maximum loan guarantees are set by Section 3351.08.

Basic coverage: Public and private degree and non-degree granting

No further abstract prepared.

OH-07

Ohio Revised Code. Chapter 3354 - Community Colleges

Effective date: 1974

Stated purpose: Approves the creation of community college districts "...pursuant to standards established by the board [Board of Regents]." (p. 140); issues charter creating the community college.

Basic effect: Establishes standards that consider the population of the proposed district, the pupil enrollment, the present and potential higher education facilities in the district, and the educational needs of the district.

Basic coverage: Public degree granting (2-year, associate degree)

OH-08

Ohio Revised Code. Chapter 3358 - General and Technical Colleges

Stated purpose: To create "...a state general and technical college...with the approval of the Ohio Board of Regents upon the proposal of the board of trustees of a technical institute, or...state university...." (p. 196)

Basic effect: Defines general and technical colleges as institutions of higher education organized to offer post-high school programs not exceeding 2 years and leading to an associate degree in arts and sciences and in technical education; and receiving a charter from the Board of Regents to operate.

Basic coverage: Public degree (2-year) and non-degree granting

No further abstract prepared.

OH-09

Ohio Revised Code. Chapter 3355 - University Branch Districts

Effective date: 1974

Stated purpose: To create a university branch as an academic program administered by a state or municipal university in a community other than the one in which the main campus is located, and offering academic credits for programs corresponding to main campus courses of instruction. (p. 160)

Basic effect: Specifies that university branch districts be declared incorporated and established by the recording and filing of a resolution in the Office of the Secretary of State. Authorizes the district board of trustees to employ staff to carry out the responsibilities for managing the district, to enter into a contract for not less than 4 nor more than 10 years with a university, and to establish resident and nonresident tuition and fees. (p. 165)

Basic coverage: Public degree granting

No further abstract prepared.

OH-10

Ohio Revised Code. Chapter 3357 - Technical Colleges

Effective date: 1974

Stated purpose: Approves the creation of technical college districts and sets requirements for issuing charters to create technical colleges, taking into consideration the higher education needs of the proposed district. (p. 177)

Basic effect: Promulgates rules, regulations, and standards relative to the qualifications of teaching personnel, the quality and content of instructional courses, the awarding of certificates of achievement or associate degrees to students, and revokes or suspends the charters of technical colleges found to be in violation of law, rules, regulations, or standards.

Basic coverage: Public degree and non-degree granting (associate degrees and certificates of achievement)

NOTE: The Code of Ethical Practice for Student Recruitment Advertising (Inter-University Council) was adopted in August 1976 by the Interuniversity Council (public) and the Ohio College Association (public and private) and requires that complete and accurate information about state-assisted universities be provided to students and parents. It insures that advertising through the mass media to recruit students and all other promotional materials produced by state-assisted institutions shall comply with the Code. Coverage of the Code includes that: (1) student recruitment advertising shall be noncompetitive; (2) content of advertising shall contain no references to other than sponsoring institution; (3) advertising for one institution shall not be placed in publications of another without agreement of both institutions; (4) student recruitment advertising shall be in good taste and accurately represent an institution's policies, programs, and services; (5) advertising shall not promise employment upon completion of degree program or other course of study; and (6) incentive payments to recruit students are prohibited.

OH-01

2. Application (OH-01):

"...no course of instruction shall be...offered..., no diploma, degree... shall be...awarded, and no enrollment...shall be solicited...until...[the institution] has obtained a certificate of registration from the board [State Board of School and College Registration]."

"A new course shall not be offered...until it is registered in accordance with the provisions for registering a school." (p. 25)

"No person shall sell any course of instruction or solicit students therefor in this state unless he first secures a permit as an agent...." (pp. 27-28)

"'Course of instruction' means the offering of instruction to individuals for a charge, fee, or contribution...and using the designation of 'school,' 'academy,' 'college,' 'university,' or a similar term to imply that the person is primarily engaged in education of students. A course...may be offered in a specified place or by correspondence using the mails or by any other means of communication." (p. 22)

This chapter does not apply to:

a. Tuition-free courses or schools conducted by employers exclusively for their own employees.
b. Institutions with certificates issued pursuant to OH-02.
c. Institutions established by law or chartered by the Ohio Board of Regents.
d. Courses approved or licensed by state boards or agencies other than the State Board of School and College Registration.
e. Schools for which minimum standards are prescribed by the State Board of Education.
f. Courses conducted by public school districts.
g. Courses conducted outside the United States. (p. 22)

3. Coverage (OH-01):

Certificates of registration shall be issued to applicants of good reputation upon determining that the applicant has the facilities, resources, and faculty to provide students with the kind of instruction that it proposes to offer. (p. 24)

a.

b.

c.

d.
- See introduction above.
- See 5c, item 1, points 3, 4, and 9.

e.
- See introduction above.
- See 5c, item 1, point 7.

f.
- See introduction above.

- Surety bonds in the penal sum of $10,000 shall accompany applications for certificates of registration. Ten thousand dollars' worth of cash, certificate(s) of deposit, or government bonds may be filed in lieu of the bond. The bond shall provide blanket coverage for the acts of all agents of the school without naming them and without regard to the time they are engaged during the term of the bond. (pp. 25-26)
- Agents' permit applications shall be accompanied by surety bonds in the penal sum of $1,000. Blanket bonds supplied by the school are acceptable. (p. 28)
- See 5c, item 1, point 9.

g. ● See 5c, item 1, point 11.

h. ● A certificate of registration shall be prominently displayed on the premises.
- Schools shall display their registration numbers on all school publications and advertisements. (p. 24)

i. ● See 3h, item 2.
- See 3f, item 3 regarding agents' bonds.
- See 5c, item 1, point 6.
- Any representation that issuance of an agent's permit constitutes approval of a course, person, or institution is a misrepresentation.
- No agent's permit shall be issued to any person found not to be of good moral character. (p. 29)

4. Administration (OH-01):

a. ● The State Board of School and College Registration issues certificates of registration and adopts rules and regulations. (p. 24)

b. ● See introduction to Section 3.
- The Board may cause an investigation to be made into the correctness of the information submitted in an application for registration. (p. 24)

c. ● Certificates do not cover other schools or branches operated by the owner.
- Applications for certificates and permits shall be made on forms furnished by the Board. (pp. 24, 28)

d. ● A certificate is valid for 2 years. (p. 24)
- A permit is valid for 1 year. (p. 28)

e. ● The fee for original certificates is $100; for renewal, $50. Original registration of a new course costs $50. (p. 25)
- The original and renewal fee for a permit is $5. (p. 28)

f. ● If the Board has not completed its determination within 30 days, it shall issue a temporary certificate. (p. 24) If determinations on permits are not made within 15 days, temporary permits shall be issued. (p. 28)

5. Enforcement (OH-01):

a. ● The State Board of School and College Registration may suspend, revoke, or cancel a certificate or registration, may revoke an agent's permit, and may petition the Court of Common Pleas for an injunction. (pp. 26, 28, 25)

b.

c. ● The Board may suspend, revoke, or cancel a certificate of registration for any of the following causes: (1) violation of any provision of this chapter, or any regulation; (2) furnishing of false, misleading, or incomplete information requested by the Board; (3) signing of an application or the holding of a certificate by a person who is guilty of a felony or a crime of moral turpitude; (4) the signing of an application or the holding of a certificate by a person who is addicted to narcotic drugs or who is found to be mentally incompetent; (5) violation of any commitment made in a registration application; (6) presentation to prospective students of false or misleading information on the course, employment opportunity, or opportunities for enrollment in accredited institutions of higher education, after completing courses; (7) failure to provide or maintain premises or equipment in a safe and sanitary condition; (8) refusal by an agent to display his agent's certificate of registration; (9) failure to maintain financial resources adequate for the satisfactory conduct of courses as presented in the plan of operation or to retain a sufficient number and qualified staff of instruction; (10) offering courses other than those presented in the application; (11) discrimination in acceptance upon the basis of race, color, religion, sex, or national origin; or (12) accepting the services of an unlicensed agent.

- The Board shall informally notify the certificate holder of the above conditions, and hold informal conferences. If these efforts fail to eliminate the objectionable procedures, the Board shall hold a public hearing following the procedures of another act. (pp. 26-27)
- An agent's permit may be revoked if the holder solicits or enrolls through fraud, deception, or misrepresentation, or upon finding that the holder is not of good moral character. (pp. 28-29)
- The Board shall hold informal conferences with agents believed to be violating conditions. If these conferences fail to eliminate objectionable practices, a public hearing shall be held. (p. 29)
- If the Board believes false, misleading, or incomplete information has been furnished or that the applicant has failed to meet standards, the certificate of registration may be withheld after a hearing. (p. 24)

d.

- Institutional bonds shall provide for the indemnification of any person suffering loss as a result of any fraud or misrepresentation used in procuring enrollment, including repayment of tuition paid in advance. The aggregate liability of the surety shall not exceed $10,000. See 3f regarding blanket coverage of agents required in institutional bonds. (p. 26)
- Agents' bonds shall be conditioned to provide indemnification to any student suffering loss as a result of any fraud or misrepresentation used in procuring his enrollment. The aggregate liability for any one agent shall not exceed $1,000. (p. 28)
- The fact that a bond is in force does not limit or impair any right of recovery otherwise available, nor is the amount of the bond relevant in determining the amount of damages.
- The Board shall petition the Court of Common Pleas for an order enjoining the offering of courses or advertising without a certificate. The court may grant injunctive relief. (p. 25)
- No recovery shall be had on any contract if the agent did not hold a permit at the time the contract was sold. (p. 29)
- Whoever is guilty of offering courses, granting diplomas, or soliciting enrollments in an unlicensed institution, or of selling courses or soliciting students without an agent's permit, shall be fined up to $500, be imprisoned up to 90 days, or both. (p. 30)

OH-01-1

2. Application (OH-01-1):

"No organization...established after December 1, 1970...shall designate itself or advertise as a school, academy, institute, or other designation applicable to an institution of learning until...it has been issued a Certificate of Registration...." (p. 14)

"No organization...shall designate itself or advertise as a 'college' until ...it has...been issued a Certificate of Authorization to confer the Associate or Baccalaureate Degree." (pp. 14-15)

"Such organization...shall not designate itself or advertise as a 'university' until...it has...been authorized...to confer the Baccalaureate Degree in two or more unrelated areas of instruction." (p. 15)

"No person shall solicit any...students within...Ohio to enroll in a school located within or outside the State unless such school has been issued a Certificate of Registration...and unless such person shall apply for and obtain...an Agent's Permit...." (p. 24)

"No new school may advertise, solicit students, or collect fees until a Certificate of Registration has been granted...[or] prior to...issuance of the Temporary Certificate...." (p. 28)

See 3n for prohibition against discontinuing courses.

See exemptions in OH-01; also:

a. Conferences, workshops, institutes, or courses sponsored by recognized trade, business, professional organizations, governmental agencies, or political subdivisions for the benefit of members. (p. 15)

Private schools registered with the Board which have previously been authorized to award degrees by another state agency may continue to do so when proper evidence of this authorization has been filed with the Board.

NOTE: See Section 6 regarding the Board's communication with accrediting agencies.

NOTE: Four standards apply to out-of-state schools exclusively: (1) the Board will accept similar standards of other states with laws governing equipment and facilities, curriculum requirements, and administrative and instructional staff; (2) out-of-state schools desiring to solicit in Ohio must obtain a Certificate of Registration; (3) agents of out-of-state schools are subject to all provisions of this Act; and (4) an agent of a school in a state without a registration, approval, or licensing law shall submit with his permit applications an application by the school for a Certificate of Registration. (p. 20)

NOTE: As far as applicable, basic standards shall apply to home study schools as well as resident schools. Special standards indicated thus(*) will receive considerable emphasis.

3. Coverage (OH-01-1):

The following standards apply to the issuance of a Certificate of Registration. Requirements for authorization to confer the associate degree are covered in a separate section below. *(Part I)*

a.
- If production work is a necessary part of the educational program, unfair competition with private enterprise and exploitation of students shall be avoided. (p. 28)

b.
- Educational objectives should be clearly defined and simply stated, indicating results for reasonably diligent students.
- The course shall conform to standards and training practices generally accepted by the occupational field.
- Each curriculum shall be outlined in detail showing major subjects and clock hours for each subject, entrance requirements, and occupational objectives. (p. 22)
- All courses shall be approved and registered by the Board. When a new course is proposed for which no criteria have been established, the school shall provide an evaluation of it by at least two competent, recognized authorities who shall satisfy the Board as to the merits of the course and its teaching. (p. 23)
- See 3n, item 3 for prohibition against discontinuing courses.
- See 4c, item 15 regarding submission of course schedule.
- * The educational objectives shall be clearly defined, simply stated, and of a nature that they can be achieved through correspondence study.
- * Courses are sufficiently comprehensive, accurate, up-to-date, and educationally sound instructional material and methods are used to meet announced objectives. (p. 21)

c.
- Schools offering less than 2 years of training shall award only a diploma or certificate. A diploma shall be issued only upon completion of courses prescribed on the Certificate of Registration and listed in the school catalog. Transcripts of all credits shall be issued upon request. Definitions in terms of duration of training for associate and bachelor degrees were given. (pp. 32-33)
- See Part II of Section 3 for requirements for authorization to confer the associate degree.

d.
- Schools must designate a director responsible for instruction, records, and student affairs. The director or assistant director must have educational qualifications and work experience as a wage earner related to area of responsibility.
- An instructor must be a high school graduate or have demonstrated competency as a wage earner in his subject area. (p. 23)
- The number of directors or instructors and their qualifications will depend on the size and type of training. The Board will consider this on an individual basis.
- The Board shall have the power to refuse, suspend, or revoke approval of members of the administrative or instructional staff if they are guilty of a crime of moral turpitude or have violated the Board's rules and regulations. (p. 24)
- See 4c, item 13 regarding approval of instructors.

e.
- All buildings where courses are conducted must comply with all regulations as to fire, safety, health, and sanitation codes. (p. 21)

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* These requirements apply to home study schools.

- Lighting, heating, and ventilation must meet institutional needs. The equipment and facilities must be suitable to meet the training specified in the course content for the maximum enrollment. Where applicable, all equipment and facilities must be safeguarded as is required for trades and industries. (pp. 21-22)
- Space for training shall conform to good school practices and standards including the Ohio Building Code requirements for exit capacity of at least 30 square feet net space per student in a classroom and 50 in a shop or vocational area.
- Equipment shall be maintained in good working order, and updated as required. (p. 22)
- For approval of a change of location or alteration of facilities, the owner must show proof that all regulations have been complied with. (p. 18)
- See 4c, items 1, and 10-12.

f.
- See OH-01 regarding bonds.
- See 4c, item 1 regarding requirements for filing financial statements.
- See 4c, item 17 regarding franchise agreement requirements.
- See 3n, item 3 regarding rules for discontinuing courses.

g.
- Schools are responsible for establishing qualifications enrollees must have to successfully assimilate the course and for determining with reasonable certainty, in advance of the acceptance of enrollment, that the student has the proper qualifications.
- Schools are responsible for determining that applicants have no handicaps which could reasonably prevent them from using training for successful job performance. (p. 30)
- No school shall accept students of compulsory school age unless they have been dismissed from school, nor students attending elementary or high school unless it has been established through contact with properly responsible persons that taking the course would not be detrimental to regular school work.
- See 3j, item 4 regarding requirements that special records be kept for students who do not meet enrollment standards.

h.
- School catalogs or literature shall include: (1) name and address of school and date of publication; (2) entrance requirements and standards of progress; (3) outline of each course showing general objectives; (4) major subjects and length of time for each; and (5) tuition payment, fees, and refund policy. (p. 16)
- See 3c, item 1.
- All applications for enrollment must be in writing. (p. 27)
- School policy should show that the enrollment agreement clearly outlines the obligations of both the school and student; a copy of the agreement must be furnished the student. (p. 30)
- The cancellation and settlement policy must be clearly acknowledged in the enrollment agreement.
- Any correspondence regarding cancellation and settlement between a student and the school, banks, collection agencies, lawyers, or others representing the school must clearly acknowledge the existence of the school's policy. (p. 31)
- Schools are responsible for determining with reasonable certainty that students are fully informed as to the nature of the course and what it can reasonably be expected to do for them, and as to the nature of the obligation they are entering and their rights and responsibilities under the contract. (p. 29)
- Scholarship plans shall be printed in the school catalog. (p. 32)

- The school must prominently display the Certificate of Registration and schedule of operations where they may be inspected by students and the Board. (p. 27)
- See 31, item 1, point 4 regarding notice of cancellation.

i.
- See Section 2 regarding restrictions on advertising as a "college" or "university."
- Schools are responsible for seeing that their agents are fully informed as to the courses and services, prices and terms, and operating policies of the school.
- Schools must assume full responsibility for the actions, statements, and conduct of their agents, must select each with the utmost care, provide them with adequate training (including instruction on their responsibility and accountability under Ohio law), and arrange for constant and proper supervision of their work. (p. 26)
- The term "counselor" or modifications of it shall not be used by anyone who solicits or enrolls students. A description of the duties of an employee who may be called a counselor was given. (pp. 26-27)
- See OH-01 regarding agent's bonding requirements.
- Advertising used in Ohio must carry the school's name, address, and registration number as listed on its certificate.
- No school or agent shall imply that the school is "recommended" by the Board. Specific language for references to the Certificate was given. (p. 36)
- Advertising and promotional literature must be completely truthful; it must be prepared and presented so as to avoid leaving any false, misleading, or exaggerated impressions regarding the school, its personnel, courses, or services, or the occupational opportunities for graduates. (pp. 36-37)
- A guarantee of placement or of a certain wage or earnings greater than the prevailing wage shall not be promised or implied.
- No person acting on behalf of any school shall make any fraudulent or misleading statement or misrepresentation.
- Classified ads must be placed only in columns headed "Education," "Schools," or "Instruction," not in "Help Wanted," and similar columns.
- No school may advertise that it is endorsed by businesses or individuals without evidence approved by the Board. (p. 37)
- See OH-01 regarding registration numbers.
- See OH-01 regarding indication that agents' permits do not constitute approval of courses.

j.
- School student records shall be retained and held subject to inspection at any time during the school's normal operation. (p. 22)
- Adequate records of the student's attendance, experience, progress, and conduct must be permanently retained by the school or its successors. Records must be made available to students, and schools must periodically issue grades. (p. 27)
- Prior to the discontinuance of any school, officials shall make adequate arrangements for the safekeeping of scholastic records either by depositing them with the Board, or otherwise. (p. 28)
- If a school accepts a student who does not meet its normal entrance requirements, it should have a record of correspondence about the student and of the reasons why he or she was permitted to enroll, and be prepared to justify its action. (p. 29)
- See 3c, item 1 regarding provision of transcripts.

k.
- Any monies collected by an agent must be turned over to the school. All checks must be made payable to the school, and receipts for cash must be given in the name of the school. (p. 26)

● School policy must show that the total tuition charge is listed for each course in light of the service to be rendered and the equipment to be furnished. (p. 30)

● Scholarship plans must be approved by the Board prior to award. It may accept the scholarship award policy if it is identical to the policy of any recognized accrediting agency. (p. 32)

l. ● School policy must show that the refund policy meets these requirements: (1) a definite and established policy exists for settlement when a student requests discontinuance of training; (2) the refund policy may be accepted by the Board if it is identical or more liberal than that of any accrediting agency recognized by USOE for the type of school; (3) other policies must be individually approved; (4) schools must acknowledge receipt of written cancellation notices and may require that notices be given by certified mail if this is stated in bold type in the enrollment agreement. (pp. 30-31)

● Even if notes or contracts for tuition are sold or discounted, schools must still comply with their policy.

● Refunds shall be made within 30 days. (p. 31)

m. ● See 3n, item 2.

● See 3i, item 9. Placement shall not be promised.

n. *● The school provides adequate examination services, encouragement to students, and attention to individual differences. (p. 21)

● A school shall strive to earn the confidence and respect of leading employers and shall have an acceptable record of employment or satisfaction of its students and graduates. (p. 28)

● No school may discontinue any course until enrolled students have completed the course and the Board has been notified. The length or major content of a course may not be altered without Board approval. (p. 23)

● See 3j, item 2 regarding requirement to issue grades.

The following are requirements for authorization to confer the associate degree. *(Part II)*

a. ● See 4a regarding requirements for length of operation.

b. ● The objective will be to instruct in both academic and job-related subjects, and student proficiency in both areas will be required.

● Curriculum will be divided approximately 25% in general studies; 25% in basic studies clearly related to the field of major interest; and 50% in technology of job-related subject matter.

c. ● A degree course will correspond in general terms with the curriculum course credits and length of study required in public institutions of higher education. This means a minimum of 6 quarters or 4 semesters, 90 quarter or 60 semester credit hours of study. (p. 34)

d. ● At least three full-time faculty shall be employed. Schools enrolling 100 or more students will maintain a student faculty ratio or not more than 30:1.

● Faculty teaching the general and basic courses shall hold a BA degree, including training and/or job experience in the subject taught.

e. ● The classroom and laboratory facilities and equipment must be appropriate to the course of study.

● A library shall be maintained and shall include holdings appropriate to the course of study, along with standard works of reference.

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*This requirement applies to correspondence schools.

f. ● The school shall submit evidence that its financial resources are such as to insure that currently enrolled students will be able to complete the degree program. (p. 35)

g. ● Students shall be high school graduates or, upon appropriate evaluation of study and experience, be found to possess the equivalent. (p. 34)

h. ● The school shall publish at least biennially a catalog which includes accurate and factual information concerning: (1) Certificate of Registration number; (2) accreditation; (3) admission requirements; (4) calendar; (5) description of content of course offered; (6) description and location of building; (7) tuition and fees; (8) graduation requirements; (9) institutional philosophy and objectives; (10) list of faculty including degrees and related experience; and (11) refund policy. (pp. 35-36)

i. ● All advertising and promotional brochures shall be factual and in good taste. (p. 36)

j. ● The college shall maintain appropriate student records of tuition fees paid, admission, course enrollments, student evaluation, and progress toward a degree.

k.

l.

m. ● The college shall assist students in placement after graduation.
● The school shall submit evidence that it has an acceptable record of employment of its graduates.

n. ● The school shall provide reasonable assistance to students in academic guidance, personal counseling, housing, and care of health. (p. 35)

4. Administration (OH-01-1):

a. ● The State Board of School and College Registration issues Certificates of Registration, approves and registers courses, and issues agents' permits. (pp. 18, 23, 24)

b. ● See OH-01 regarding investigation prior to issuing Certificates of Registration and agents' permits.
● Schools will be considered for authorization to award associate degrees provided they have been in operation for 5 consecutive years and hold a Certificate of Registration, other than temporary. (p. 33)
● See 3b, item 4 regarding evaluation of new courses.

c. ● The application form for a Certificate of Registration shall include: (1) titles of courses; (2) staff and their qualifications; (3) type of ownership and financial responsibility; (4) copy of enrollment contract; (5) schedule of fees and refund policy; (6) description of available space, facilities, and equipment; (7) copy of promotional literature; and (8) catalog. Applications shall be accompanied by fees, bonds, and financial statement. The financial statement shows that financial resources are such as will insure the fulfillment of its instructional and business obligations for at least one year. The Board may require interim financial statements on 30 days notice. (pp. 16-17)
● A school must make available information pertaining to its activities required for administration of this Act. (p. 28)
● Each school must provide a copy of its policy regarding tuition charges, enrollment agreements, and refund policy. (p. 30)
● The Board shall be notified immediately if a school discontinues or plans to discontinue its operation. (p. 19)

- No school may change its name without prior approval from the Board. (p. 15)
- Certificates are valid only for the institution and courses approved, not other branches or schools operated by the same owner. (p. 17)
- See OH-01 regarding approval of new courses.
- Certificates are not transferable. New owners shall comply with all requirements for securing an original Certificate, including the full submission of all forms and data.
- An application for approval of a change of location or alternations involving building code changes must be filed. See 3e, item 5 regarding proof of compliance with laws. (p. 18)
- A change of location will be approved if it is within a reasonable commuting distance of the former location.
- The Board is to be notified when use of a school location is discontinued. Reopening shall be subject to the provisions regarding a change of location. (p. 19)
- A school's offerings are restricted to approved courses. New courses shall be approved. (See 3b, item 4.) (p. 23)
- The school must submit the names, addresses, and qualifications of instructors at the time of application for a Certificate. The Board must be notified of dismissal or resignation within 30 days. Names and qualifications of new instructors shall be submitted for approval within 30 days of hiring. (p. 24)
- The Board shall be notified within 3 days of the hiring of an agent, and within 10 days of his or her dismissal or resignation.
- A residence school's daily or weekly schedule shall be submitted for approval. (p. 22)
- See 3b, item 3 regarding curriculum outlines.
- No franchised school shall be granted a Certificate nor any franchised course be approved without prior inspection and approval of the franchise agreement by the Board. The franchise agreement shall not be terminated until sufficient agreement has been made to assure course completion by enrolled students. (p. 19)
- See 3i, item 12 regarding submission of evidence of endorsement.
- Separate applications for authorization to award the associate degree which clearly indicate the course resulting in the degree shall be made. The college shall provide information sufficient to indicate compliance with standards.
- See 3f under associate degree standards regarding evidence of financial resources.
- See 3m under associate degree standards regarding evidence of employment record.
- See the second exemption in Section 2 regarding filing of evidence of authorization to award degrees granted by other state agencies

d. • See OH-01, 4d.

e. • See OH-01, 4e.

- Payment for agents' permits shall be made by a company or institutional check or money order payable to the Treasurer, State of Ohio. (p. 25)

f. • Any school established after 1 December 1970 will be issued a Temporary Certificate of Registration valid for 6 months. (p. 17)

5. Enforcement (OH-01-1):

a. • See 5c.

- Any major violation of the standards of an accredited school holding a Certificate will be referred to the appropriate accrediting agency for its information. (p. 28)

b. - The Board of School and College Registration shall have the right, upon complaint or report of violation that false, misleading, or incomplete information has been submitted, to conduct a hearing on the matter in accordance with procedures specified in another law and to take appropriate action. (p. 19)

c. - See 3d, item 4 regarding the Board's power to refuse, suspend, or revoke approval of staff.
   - If scholarship privileges are misused, they may be revoked. (p. 32)
   - A Certificate of Authorization to confer the associate degree shall be revoked as prescribed in another law for failure to comply with standards or failure to hold a current Certificate. (p. 36)
   - The granting, denying, suspending, or renewing of a Certificate by the Board shall follow procedures of the Administrative Procedure Act. See OH-01 for causes. (pp. 37-38)

d. - See 5a, item 2 regarding communication of standard violations to accrediting agencies.
   - See 31, item 2 regarding limitations on contracts.
   - No school shall negotiate or assign any promissory instrument without first endorsing on its face a specified legend indicating that holders are subject to the original contract. (pp. 31-32)
   - See OH-01 regarding penalties.

e. - If the main office of a school is located outside Ohio, the school shall certify the name and address of an in-state representative authorized to accept service of any notice of the Board or legal process. (p. 18)

6. Other (OH-01-1):

The Board, as a matter of common interest and good practice, will strive to develop a strong line of communication with each USOE-recognized accrediting agency. See 5a, item 2 regarding informing such agencies of violations. (p. 28)

OH-02

2. Application (OH-02):

"...no nonprofit institution or corporation established after...1967, may confer degrees...until it has received a Certificate of Authorization issued by the Ohio Board of Regents, nor shall...[it] identify itself as a 'college' or 'university' unless it has received a certificate...." (p. 10)

"Institution" includes any non-profit university, college, or other institution which offers instruction in the arts and sciences, teacher education, business administration, engineering, philosophy, literature, fine arts, law, medicine, nursing, social work, theology, and other recognized academic and professional fields, and awards degrees for at least 4 semesters or 6 quarters of work.

3. Coverage (OH-02):

a.
b.
c. • Certificates of Authorization shall specify the diplomas or degrees authorized to be given. (p. 10)
d.
e.
f.
g.
h.
i. • See Section 2, first paragraph for restrictions on the terms "university" or "college."
j.
k.
l.
m.
n. • Standards to be adopted by the Board of Regents may include minimum qualifications for faculty, library, laboratories, and other facilities for various types of institutions or degrees. (p. 11)
   • See 4c regarding changes of name, purpose, and location.

4. Administration (OH-02):

a. • The Ohio Board of Regents shall establish standards for Certificates of Authorization and shall issue them. A copy of the Certificate shall be filed with the Secretary of State if the institution is incorporated. (p. 10)
b.
c. • See 4a.
   • Applications for certificates shall be made on forms containing information prescribed by the Board.

- Each institution shall file an annual report with the Board containing information the Board requires.
- Written notice of a change of location shall be given. Procedures for obtaining directors' or stockholders' approval are given. A copy of proceedings shall be filed with the Secretary of State. (p. 11)
- Procedures for changing the name and purpose of an institution are given. Written notice to the Board of Regents shall be given prior to a change in purposes. The Board shall issue an amended Certificate. (p. 12)

5. Enforcement (OH-02):

a. • See 5c and 5d.
b.

c. • A Certificate is subject to revocation by the Board of Regents for cause pursuant to another law.

d. • If an institution confers degrees without a Certificate, the Board may, through the Office of the Attorney General, apply to the Court of Common Pleas to restrain the institution from exercising its franchise (if it is a corporation) or from awarding degrees if the institution is not authorized to award degrees. (p. 11)

OH-02-1

2. Application (OH-02-1):

See OH-02.

NOTE: Special standards are included for teaching (including non-traditional methods) at locations removed from the permanent campus. These were not abstracted.

NOTE: Accreditation authorities must be consulted in planning new institutions (see 3n). Certificates of Authorization may be revoked or modified for failure to obtain and retain accreditation. (See 5c.)

NOTE: Accreditation and licensure are also linked in the off-campus standards.

3. Coverage (OH-02-1):

In order to qualify for the Certificate of Authorization, an applicant shall have qualifications to provide instruction in accordance with the following minimum standards of current operating endeavor. Standards for off-campus instructional activity were not abstracted.

a.

b.

c. ● In the definition of institutions eligible for Certificates, the intention to award degrees for study of specified lengths was included. The associate degree required at least 4 semesters or 6 quarters of full-time study; the baccalaureate, 8 or 12; the master's or appropriate graduate-professional degree, 2 or 3 beyond the baccalaureate; and the Doctor of Philosophy, 6 or 9 of study and research beyond the baccalaureate. (p. 1)

d. ● Institutions shall offer evidence of arrangements for recruitment of an instructional staff in a ratio of not more than 30 students to one faculty member per quarter or semester.

● Institutions shall offer evidence of arrangements for an instructional staff of which not less than 60% hold a master's degree or a baccalaureate degree and not less than 5 years' experience in the field.

e. ● Institutions shall offer evidence of arrangements for a library of at least 5,000 volumes for a 2-year program and 15,000 volumes for a 4-year program. (p. 3)

● Institutions shall offer evidence of arrangements for instructional facilities providing at least 100 square feet per student.

f. ● Institutions shall offer evidence of arrangements for current operating support at at least $800 per student for 2 semesters or 3 quarters per year. (p. 2)

g.

h.

i. ● The name of the institution shall clearly indicate the nature of the program offered, such as institute or college for an associate degree program, college for baccalaureate degree program in not more than two fields, university for baccalaureate degree programs in three or more fields, for master's programs, doctoral programs and graduate-professional

programs, and school, college, or seminary for graduate-professional degree programs. (pp. 1-2)
- Institutions receiving a Certificate may refer to it in specified language. (p. 4)

j.

k.

l.

m.

n.
- In order to qualify for a Certificate, the applicant shall indicate that a period of academic planning preceded the filing, that educational consultants with appropriate qualifications have been retained in the development of plans, and that the appropriate accrediting agency has been consulted. (p. 2)
- In order to qualify for a Certificate, an applicant shall indicate the intention to qualify for regional or professional accreditation within a reasonable period of time (not more than 8 years). This requirement may be waived for seminaries where accrediting organizations do not exist.

4. Administration (OH-02-1):

a.
- Applications for a Certificate of Authorization shall be submitted to the Chancellor of the Ohio Board of Regents and issued by him or her upon determination by the Board. (pp. 1-2)
- A copy of the Certificate shall be filed with the Secretary of State. (p. 2)

b.
- See 3n, item 1.
- An applicant shall agree to permit a representative of the Board to inspect records to verify data in the annual report. (p. 3)

c.
- Applications shall be submitted in accordance with forms or an outline prepared by the Chancellor. They shall include a sworn statement of authenticity and truthfulness signed by the appropriate officer of the institution.
- If the applicant is a corporation, it shall provide an authenticated copy of its articles of incorporation as filed with the Secretary of State and a list of the names and addresses of the current board of trustees and principal administrative officers (e.g., president or director, vice presidents, deans, and business manager.)
- If unincorporated, the applicant shall provide by-laws, rules, and names and addresses of principal officials.
- The application shall clearly indicate the name of the institution and the degrees to be offered. (p. 1)
- Applicants shall submit an annual report indicating plant, staff, library, and fiscal resources in relation to enrollment. (p. 3)

5. Enforcement (OH-02-1):

a.

b.

c.
- The Ohio Board of Regents reserves the right to institute proceedings for the revocation or modification of a Certificate of Authorization for: (1) failure to maintain minimum standards; or (2) failure to obtain and retain regional accreditation or accreditation by an appropriate professional accrediting agency within 8 years of initial offering of instruction or within 3 years after withdrawal or suspension of accreditation. (p. 3)

OH-03

2. Application (OH-03):

Includes state colleges, universities, and other state-assisted institutions of higher education.

Studies and master plans for higher education are annually submitted to the Governor and General Assembly, and include both public and private institutions. Review and recommendations for budget appropriations apply only to public community colleges and state colleges and universities.

All public post-high school technical education programs shall be operated by technical colleges, community colleges, university branches, state colleges, stafe-affiliated universities, and state universities (effective July 1971).

3. Coverage (OH-03):

a. ● The Ohio Board of Regents shall issue or decline to issue charters for the operation of community colleges based on findings that: (1) the official plan and proposed actions of a community college district conform to the law; (2) the proposed college will not wastefully duplicate existing educational services available to district residents; (3) there is reasonable prospect of adequate operating revenue for the college; (4) proposed lands and facilities will be adequate and sufficient for the purposes of the community college; and (5) proposed curricula in arts and sciences and technical programs are programs for which there is substantial need in the district.
b. ● The Board shall recommend to state institutions which programs should be added or deleted. (p. 33)
c. ● No degree aporoval shall be given for a technical education program unless it is offered by a state-assisted university, university branch, technical college, or a community college. (p. 36)
d.
e.
f.
g.
h.
i.
j.
k. ● The Regents shall establish and administer an instructional grant program for full-time undergraduate students in Ohio institutions which are state-assisted or have received Certificates of Authorization. (p. 41)

4. Administration (OH-03):

a. ● The Board of Regents shall appoint the Chancellor, fix compensation for

Chancellor and staff, adopt rules and regulations necessary to carry out duties, appoint advisory committees, and seek the advice of officials in both the public and private sectors.

b. ● The Board shall approve or disapprove the establishment of new branches or academic centers of state colleges and universities, and of state technical colleges or any other state institution. (p. 33)

● Approval and disapproval authority applies to all new degrees and new degree programs at all state colleges, universities, and other state-assisted institutions. (p. 34)

c. ● State-assisted institutions shall submit to the Board an accounting of state funds expended. (p. 36)

5. Enforcement (OH-03):

a. ● Enforcement occurs through Board of Regents approval/disapproval authority and through allocation/withholding of funds.

b.

c. ● State-supported and assisted institutions must notify the Board of reasons for noncompliance with recommendations made under Section 3333.04 (elimination or addition of existing or new programs).

OH-03-1

2. Application (OH-03-1):

Applies to all state and state-assisted institutions requesting approval of new bachelor's and master's degrees and degree programs.

Restrictions and exemptions: Associate and doctoral degrees are exempt from this regulation except for Doctor of Medicine, Dental Surgery, Veterinary Medicine, Optometry, or Jurisprudence.

"New degree program" is defined as a prescribed course of study not in effect as of 1963 and not previously approved by the Board.

4. Administration (OH-03-1):

a. ● Any state-assisted institution desiring to introduce a new degree or new degree program shall submit application to the Board for approval.
b. ○ Both the Chancellor and the interested institution will have the opportunity to present a statement of position supporting the proposed program for the Board's approval or disapproval.
c. ● Proposals for new programs should provide the following information: brief description of its purpose, description of proposed curriculum, administrative arrangements, evidence of need, prospective enrollment, available faculty and facilities, and projected financial needs.

OH-03-2

2. Application (OH-03-2):

Applies to state-assisted universities other than the University of Cincinnati and Ohio State University (new programs need no official approval at the latter institutions until program is ready to be inaugurated). "State-assisted" means any institution receiving an appropriation subsidy enacted into law for operation of its instructional activity.

3. Coverage (OH-03-2):

a. • In planning and coordinating the development of new doctoral degree programs, the Board will be assisted by an advisory committee and will consider it in terms of needs not met by existing doctoral programs.
b. • Doctoral degree programs are in the academic disciplines and in professional studies to prepare teachers/scholars for staffing the instructional, research, and public service activities of colleges and universities and to prepare professional practitioners. (p. 3)
c. • Objectives for a new doctoral program should be to meet a shortage of highly educated professionals, to augment existing programs that are over-crowded, to introduce new fields of study for future needs, and to provide opportunities for professional study not available in a particular geographic area. (p. 4)
d.
e. • State-assisted universities must demonstrate the following resources: (1) a qualified faculty group with appropriate depth of scholarly and research experience; (2) necessary specialized library and laboratory resources; (3) reasonable prospect of enrolling a minimum number of qualified students; and (4) availability of fellowship assistance or employment opportunities for doctoral students.

4. Administration (OH-03-2):

a.
b. • Board evaluation of proposed plans will give special attention to evidence of local need for a program, arrangements for inter-institutional cooperation, and to the program's innovative aspects. Proposals for formal approval will then be submitted, including information and preparations from the planning phase. Proposals must also include financial resources and subsidies needed and the status of arrangements for accreditation. Approval of a program may be contingent upon receipt of preliminary accreditation, and upon appropriation of necessary funding by the General Assembly.
c. • State-assisted universities must first submit proposed new doctoral programs to the Board for planning purposes, providing the following information: (1) rationale and objectives of the program; (2) the need; (3) the resources available or anticipated; (4) the planned enrollment and desired student characteristics; (5) a description of the proposed curriculum; (6) organizational arrangements for program operation; and (6) a planned budget for the first 5 years. (p. 6)

OH-03-3

2. Application (OH-03-3):

Eligible institutions can include public-assisted degree granting institutions and private, non-profit degree granting institutions.

Private degree granting institutions must have a Certificate of Authorization from the Board of Regents. (p. 1)

Institutions restricting admission to persons subscribing to any religious belief or requiring instruction in any particular religious dogma shall be ineligible to participate in the Grants Program. (p. 4)

3. Coverage (OH-03-3):

a. • The Board of Regents shall provide instructional grants to full-time undergraduate students only if they are enrolled in institutions which do not discriminate among students in admission, institutional services, and placement based on race, sex, color, religion, or national origin. (p. 10)

b.

c.

d.

e.

f.

g. • Classifies as residents for Instructional Grant purposes: (1) dependent students whose parent(s) have been Ohio residents for 12 consecutive months prior to enrollment; (2) persons residing in state for 12 consecutive months prior to enrollment; and (3) persons on military duty and aliens residing in Ohio.

h.

i.

j.

k. • Students must be full-time undergraduates and show satisfactory progress toward a degree. Instructional grants can be applied only to instructional charges of eligible institutions and are paid directly to institutions. (p. 4)

l.

m.

n. • Grants are not awarded to students enrolled in programs leading to theology degrees, and institutions are not eligible if admission or instruction is based on a particular religious belief.

4. Administration (OH-03-3):

a. • Institutions participating in the Instructional Grants Program shall

b. provide students with a fair and adequate opportunity to present proof of their Ohio residency. (p. 3)

c. ● Priorities in awarding grants are given on basis of income, beginning with lowest category of gross income. Grants are not increased for students transferring from public to private institutions, and are decreased in accordance with the table of grants for transfers from private to public institutions. (p. 6)

d. ● Refunds are made by the institution to the Board when students withdraw or become ineligible.

5. Enforcement (OH-03-3):

d. ● Students may appeal decisions of the Student Assistance Office to the Board of Regents (using the appeal form from the Ohio Instructional Grant application booklet, or submitting a written statement).

OH-03-4

2. Application (OH-03-4):

The Board's approval procedure includes community colleges and their branches as well as state-assisted colleges and universities.

3. Coverage (OH-03-4):

a. • A 2-year college should provide a reasonable choice of curricula and enroll a student body of sufficient size.
b. • Within 3 years after its creation, a minimum of five associate degree programs should be offered and it should attain an enrollment of 500 full-time equivalent (FTE) students.
   • New programs in branch campuses should meet needs of the particular one served.
   • Each 2-year campus should maintain local advisory committees.
   • Curriculum standards and maximum/minimum credits and hours are established for technical courses, cooperative education programs, and work experience programs (minimum of 90 quarter credits for an Associate of Arts; quarter should be 11 weeks).
c. • Appropriate attention should be given to the transferability of credits. (p. 8)
d. • Full-time staff should hold bachelors' or masters' degrees or their equivalent in experience or certification, practical experience in area of specialization, and involvement in field of concentration.
e. • The institution should possess adequate physical facilities for programs offered. (p. 2)
f.
g. • Students must be high school graduates or have evidence of equivalence.
h.
i.
j.
k. • Students must be paid for internship activity. (p. 6A)
l.
m. • Adequate student services should include developmental education (remedial, tutorial assistance), testing programs, guidance counseling, and library facilities.

4. Administration (OH-03-4):

a. • At least 6 months prior to formal application, a state-assisted college or university should obtain preliminary staff approval for a new degree or degree program from Vice Chancellor of 2-year campuses of Ohio Board of Regents. Request for preliminary approval should indicate reasons for new program, expected enrollment, availability of similar programs, and cost estimates, and should be approved by the institution's trustees.
b. • Formal proposals should then be presented to the Board for approval/disapproval and include the following information: (1) purpose

and description of new degree program with course summaries and catalog description; (2) administrative arrangements, prospective enrollment, and availability of adequate facilities and certified faculty; (3) evidence of need, including employment opportunities for graduates; (4) projected financial need to support program; (5) reports from consultants and advisory committees; and (6) current status of accreditation by the North Central Association, and current associate programs offered. (p. 3)

c. • Review documents must be submitted every 5 years by state institutions offering associate degrees and include current courses, faculty qualifications, number of full-time students and graduates by year, and job placement records for graduates.

OH-04

2. Application (OH-04):

Includes 11 public institutions which shall be recognized as state universities.

3. Coverage (OH-04):

a. ● Each board of trustees shall have full power and authority for the administration of the college or university. (p. 72)

b.

c.

d.

e. ● Limits FTE enrollment in state universities as specified, particularly in regard to housing facilities and construction.

f. ● All fees, tuition, and income received by each state-supported university and college shall be administered by the board of trustees, subject to inspection by the State Auditor. (p. 74)

g. ● High school graduates shall be admitted without examination to any college or university supported wholly or in part by the state; specialized colleges or departments may require preliminary training.

h.

i.

j.

k. ● Boards of trustees of state universities may charge reasonable tuition to nonresident students. (p. 72)

OH-05

2. Application (OH-05):

Public universities supported in whole or in part by municipal taxation.

3. Coverage (OH-05):

a. • The board of directors of a municipal university has authority for governance and operation. (p. 100)
b. • Each board may pass such rules and regulations concerning admissions, government, and tuition as are proper. (p. 102)
c. • Each board, upon recommendation of faculty, may confer such degrees and honors as are customary in universities and colleges. (p. 107)
d. • Each board may appoint the necessary staff and fix their compensation.
e. • Each board may acquire and maintain facilities as necessary. (p. 104)
f.
g.
h.
i.
j.
k. • Citizens of municipal educational institution districts shall not be charged for instruction, except for professional courses or for fees. (p. 112)

OH-07

2. Application (OH-07):

Allows municipal universities, offering instructional programs equivalent to those of community colleges, to receive the same state or federal financial aid granted to community colleges. (p. 139)

Allows community colleges to be operated either directly by the trustees of the district or to be operated, in whole or in part, by a generally accredited public college or university pursuant to a contract between the district board of trustees and the governing board of such a college or university.

3. Coverage (OH-07):

a. • Provides that the board of trustees of a community college district has the power to appoint qualified staff, provide necessary facilities, develop curricular programs, establish fees and tuition for residents and nonresidents (subject to approval of Board of Regents), and grant appropriate certificates of achievement to students successfully completing community college programs. (p. 147)

4. Administration (OH-07):

a.

b. • State financial aid shall be paid to the board of trustees of a community college upon certification by the Regents that the college is in condition to receive students, is operable, and upon approval of its official plan and the issuance of a charter as provided in Section 3354.07. (p. 159)

OH-10

2. Application (OH-10):

Includes technical programs not exceeding 2 years and not leading to a baccalaureate degree. (p. 177)

3. Coverage (OH-10):

a. ● A board of trustees may, with approval of the Ohio Board of Regents, operate a technical college, appoint necessary and qualified staff, provide adequate facilities, develop curricular programs, and establish fees and tuition for resident and nonresident students.
b. ● The Board of Regents shall promulgate rules, regulations, and standards relative to the quality and content of instructional courses, and to the awarding of certificates of achievement and associate degrees.
c. ● A board of trustees may grant appropriate degrees to students successfully completing technical college programs and certificates of achievement to students who complete other programs. (p. 185)
d. ● The Ohio Board of Regents shall promulgate rules, regulations, and standards relative to the qualifications of teaching personnel, and require conformity as a condition upon the issuance of a charter and the continued operation of a technical college. (p. 194)
e. ● Board of Regents shall approve plans and issue charters if plans and actions of the technical college district are in conformity to law, that the college will not duplicate existing educational services, and that the operating revenue and facilities are adequate for the purposes of the college. (p. 193)

4. Administration (OH-10):

a. ● The Ohio Board of Regents shall require conformity to its rules, regulations, and standards as a condition upon the issuance of a charter and upon the continued operation of any technical college. (p. 194)
b. ● The Board shall perform biennial examinations of the budget requirements of technical colleges.

5. Enforcement (OH-10):

a. ● The Board shall, from time to time, conduct examinations of the operations and facilities of technical colleges and revoke or suspend the charter of a college found to be in substantial violation of the law, rules, regulations, or standards of the Board, or of the approved official plan of the college. (p. 194)

OKLAHOMA

1. Identification:

OK-03-1/OK-04-1*

Guide for the Evaluation and Accreditation of Institutions in Oklahoma Higher Education.

Effective date: April 1971

Stated purpose: "...to outline the evaluation and accreditation procedure..." (p. f)

Basic effect: States policies and procedures for State accreditation of new and existing institutions of higher learning; includes a guide for institutions seeking accreditation and procedures for the establishment of community junior colleges.

Basic coverage: Private degree-granting, and public degree-granting (junior colleges only)

* The Guide was authorized by two separate Articles of the Oklahoma Constitution.

OK-03-1/OK-04-1 (private only)

2. Application (OK-03-1/OK-04-1 - private):

See OK-03 and OK-04

NOTE: Institutions accredited by the Oklahoma State Regents for Higher Education will be expected to achieve regional accreditation. Then they will be considered as having met standards of the State Regents. (p. 25)

3. Coverage (OK-03-1/OK-04-1 - private):

The Regents have adopted the standards of the North Central Association of Colleges and Secondary Schools for member institutions of the Oklahoma State System of Higher Education. State accreditation is said to mean that credits earned may be transferred to institutional members of the System. It appears that North Central's standards are used by the Regents. The points noted below were those that most closely approached "Standards" in the narrative of Part II of the Guide.

a. ● The governing board should formally adopt and publish the formal statement of purposes of the institution. (p. 7)
   ● The extent to which the institution commits substantial blocks of energy and resources to extension programs should be controlled by how such programs help accomplish goals in the statement of purposes. (p. 22)

b. ● It is of utmost importance that institutions confine their offerings to those which are absolutely necessary to the achievement of purposes. (p. 19)

c.

d.

e. ● The site should be adequate in size to meet demands. It should be accessible, have easy access to utilities, be free of drainage problems or health hazards, have adequate parking within a reasonable distance, be traversed by a reasonable number of streets or walkways, be attractively landscaped and maintained, and conducive to good teaching and learning.
   ● Buildings should be located in rational relation to their functions. Points to be considered in evaluating buildings are given. Boiler and utility rooms should be safety-checked for fire hazards and similar deficiencies. (p. 17)
   ● It is recommended that institutions adopt the standards of the American Library Association with regard to holdings.
   ● Students should be encouraged to use the library. (p. 21)
   ● See 3j regarding library records.

f.

g.

h. ● See 3a, item 1.
   ● Standards of student conduct should be consistent with the purposes of the institution and be plainly set forth in the student handbook or college catalog. (p. 13)

i.

j. • Systematic records should be kept for student and faculty use of the library. (p. 21)
k. • Procedures for purchasing should be set forth clearly and be generally known. Adequate controls should exist. (p. 16)
   • Funds to underwrite the debt service of an institution should be safeguarded under wise policy and management control. (p. 17)
l.
m.
n. • See 3h, item 2.
   • The student council or senate should be representative of the institution at large and should be elected democratically. (p. 13)

4. Administration (OK-03-1/OK-04-1 - private):

a. • The Oklahoma State Regents for Higher Education accredits institutions. (p. 2)
b. • Examination visits are conducted prior to accreditation. (pp. 3, 25)
   • Periodic review visits to determine maintenance of standards are also conducted. (p. 5)
c. • Institutions must prepare self-study reports and submit them with copies of the college catalog. Additional statistical data may be required. (p. 3)
   • Prior to review visits, institutions must submit certain information.
   • Annual reporting of certain statistical information will be required. (p. 5)
   • A new institution must submit a formal letter of application including information about the need for the institution, the number of students expected, source and adequacy of resources, control and administration, a listing of objectives, and an outline of programs to be offered and educational credentials to be granted. (p. 25)
d. • Accreditation will be reviewed periodically. (p. 5)
e. • No charge is made for assistance in the accrediting procedure. (p. 2)
f. • New institutions may receive pre-accreditation status which allows them to award degrees prior to full compliance. (p. 25)

5. Enforcement (OK-03-1/OK-04-1 - private):

a.
b.
c. • If the examining committee and Regents recommend against accreditation, the institution may withdraw its request. (p. 4)

OKLAHOMA

1. Identification:

OK-03

Article XI - Private Colleges and Universities (Sections 1101-1105)

Effective date: 1965

Stated purpose:

Basic effect: Requires person(s) establishing a private educational institution to do so only as a corporation organized or domesticated under the laws of Oklahoma; requires institutions to be accredited under regulations and standards of the State Regents for Higher Education if not regionally accredited; allows institutions to grant only those degrees authorized by the Regents unless approved otherwise by the regional accrediting agency; does not affect accredited institutions existing before the Act became effective.

Basic coverage: Private degree granting

No further abstract prepared.

OK-08

Private School Act (General Statutes Applicable to Higher Education, Sections 122-133)

Effective date:

Stated purpose:

Basic effect: Requires schools to obtain licenses and solicitors to obtain permits; describes areas in which the Board of Private Schools is to set standards for licensing; requires schools to file bonds covering schools and solicitors.

Basic coverage: Private non-degree granting

OK-11

An Act Relating to Business and Trade Schools, Amending [OK-08]

Effective date: 4 May 1976

Stated purpose:

Basic effect: Amends OK-08 by adding specific provisions governing flight schools (not abstracted below), changing bonding requirements, and increasing license and permit fees.

Basic coverage: Same as OK-08

OK-08-6

Regulations I - Administrative

Effective date:

Stated purpose:

Basic effect: Elaborates administrative powers of the Oklahoma Board of Private Schools; specifies schools exempt from OK-08/OK-11; defines terms.

OK-08-4

Regulations II - In-State Schools

Effective date:

Stated purpose:

Basic effect: Elaborates standards and procedures for obtaining school licenses and disapproval/revocation/appeal procedures.

OK-08-3

Regulations III - Out-of-State Schools

Effective date:

Stated purpose:

Basic effect: Duplicates OK-08-4 exactly, except omits requirement for schools to justify public need for their course offerings in Oklahoma.

No further abstract prepared.

OK-08-2

Regulations IV - Representatives

Effective date:

Stated purpose:

Basic effect: Describes required information and procedures for obtaining solicitor permits and reasons and procedures for permit disapproval/revocation.

OK-08-1

Regulations V - Refunds and Cancellations

Effective date:

Stated purpose:

Basic effect: Requires school refund policies to match those of the most applicable accrediting agency (as set out in OK-08-5a, b, c); allows Board to decide which policy applies in case of doubt; requires combination residence/correspondence schools to adhere to applicable policies for each portion of the course; requires schools to notify buyers of student notes of the school's refund policy and that buyers must comply with such.

No further abstract prepared.

OK-08-5a, b, c

Refund Policies for Business Schools (a), Correspondence Schools and Courses (b), and Trade, Technical, and Flight Schools (c)

Effective date:

Stated purpose:

Basic effect: Specifies detailed refund policies for each type of school.

OK-01

The Oklahoma State System of Higher Education (Article II)

Effective date: 1965, amended and revised up to July 1975

Stated purpose:

Basic effect: Names the institutions comprising the state system and designates the State Regents for Higher Education as the coordinating board of control for all state educational institutions. Authorizes the Regents to prescribe standards for higher education, determine budget allocations, and recommend and report to the Governor and Legislature.

Basic coverage: Public degree and non-degree granting

NOTE: Oklahoma Higher Education Code, Cumulative Supplement 1975 updates 1972 Revised Code.

OK-02

State Colleges (Article V)

Effective date: 1971; includes 1975 revisions

Stated purpose: "The Board of Regents of Oklahoma Colleges created by Article XIII-B of the Constitution of Oklahoma shall...adopt rules and regulations as it deems necessary for the governing of the Board and the discharge of its duties...." (p. 36)

Basic effect: States the official names of the six state colleges under its jurisdiction and authorizes the Board to have the supervision, management, and control of the institutions.

Basic coverage: Public degree granting

OK-04

Municipal Junior Colleges (Article XII) and Community Junior Colleges (Article XIV)

Effective date: 1971; includes 1975 revisions

Stated purpose: Provides that "a community junior college may be established, maintained, and operated in any community in accordance with criteria and standards, rules and regulations prescribed by the Oklahoma State Regents for Higher Education...." (pp. 62-63)

Basic effect: Allows districts to hold elections to establish community colleges with the prior approval of the State Regents on the basis of community needs and the determination that a college can maintain standards fixed by the State Regents. The governing board of a community college shall have the supervision, management, and control. Municipal junior colleges may be established by local boards of education under regulations and standards prescribed by the Regents. (p. 59)

Basic coverage: Public degree and non-degree granting (2-year institutions)

OK-09

Oklahoma Student Loan and Tuition Aid Acts (Sections 148-175)

Effective date: 1971-72

Stated purpose: Creates the Oklahoma Student Loan Authority under the State Regents for Higher Education to adopt rules and regulations for the disbursement of funds for eligible students at eligible institutions.

Basic effect: Stipulates requirements for students to be declared eligible for tuition and grants or loans, on the basis of residence, financial need, full-time attendance in a degree program at an institution accredited or approved by the State Regents, and shall be awarded without regard to race, religion, creed, or sex.

Basic coverage: Public and private degree granting institutions (approved and accredited by the State Regents)

No further abstract prepared.

OK-08 and OK-11

2. Application (OK-08/OK-11):

"It shall be unlawful to...operate...a private school or to solicit or canvass for scholarships or tuition to a private school in this state unless a private school license...shall have been issued by the Board...."

"It shall be unlawful for any person, acting as an agent...of a private school giving resident instruction or instruction by correspondence, whether [the school is] located inside or outside the State...to canvass or solicit prospective students in the State...except on the [school's legal premises], for the purpose of selling...any scholarship or tuition...unless the private school has been licensed under...this act, and unless a private school solicitor's permit...has been issued...." (OK-08, pp. 126-127)

"Private school" means a privately owned residence or correspondence school offering courses for remuneration in the state in any business, professional, trade, technical, or industrial occupation.

"License" refers to schools, "permit" to solicitors.

Exemptions:

a. Barber schools, beauty schools, or others regulated under any other state law; these may choose to obtain licenses but are not thereby exempted from complying with other legislation.
b. Parochial, private, or other nonpublic schools offering programs of general education accredited by the State Board of Education or the State Board of Regents for Higher Education.

NOTE: The Board shall issue a license to any private school accredited by a USOE-recognized regional or national agency without further evidence, and minimum standards of this Act shall not apply as long as the school is accredited. (OK-08, pp. 125-126)
NOTE: The Board shall renew licenses or permits of accredited schools without further evidence. (OK-11, p. 3)

3. Coverage (OK-08/OK-11):

The Board shall fix minimum standards for private schools, which shall include standards for:

a.
b. • Courses of instruction and training.
c.
d. • Qualifications of instructors.
e.
f. • Financial stability. (OK-08, p. 127)
   • A license or permit is not valid until the school has filed a corporate surety bond of at least $5,000 and not more than $20,000, conditioned

that the school will faithfully perform contracts with students. (Flight school bonds are less.) Bond amounts shall equal the average monthly prepaid tuition collected during the previous calendar year, adjusted to the next highest $1,000. Schools are required to submit sworn affidavits and, if requested, records substantiating such averages. If the school's contract terms are month-to-month, such tuition shall not be classified as prepaid. Bonds shall be applicable only to students enrolled from or within the state. In lieu of a bond, the school may provide a bank certificate of deposit meeting all bond requirements. In lieu of the sworn affidavit, a school may submit the maximum $20,000 bond. (OK-11, pp. 3-4)

g.

h.

i. • Advertising practices.

j.

k.

l. • Refund of tuition for courses not completed. (OK-08, p. 127)

4. Administration (OK-08/OK-11):

a. • The Oklahoma Board of Private Schools issues licenses and permits, adopts minimum standards, and adopts reasonable rules and regulations for implementation of minimum standards.

b.

c. • Applications for license or permit shall be filed on forms from the Board.
- Licenses and permits are not transferable. (OK-08, pp. 126-128)
- See 3f concerning bond and affidavit requirements.

d. • Licenses and permits expire annually on 30 June if the Board determines that the school remains in compliance with minimum standards.

e. • Fee for an original or renewal license is $250; for an original or renewal permit, $100.
- All fees shall be credited to the Private School Fund, which shall be used to pay expenses incurred by the Board or Agency. (OK-11, pp. 3-5)

5. Enforcement (OK-08/OK-11):

a. • The Board may deny or revoke licenses and permits.
- The Attorney General, at the Board's request or on his own motion, may bring any appropriate action or proceeding in any court of competent jurisdiction for enforcement of this Act.

b.

c. • Licenses and permits may be revoked after reasonable notice and opportunity for hearing for school failure to maintain accreditation or minimum standards, or failure to maintain bond, or violation of regulations pertaining to minimum standards.
- Any Board action respecting denial or revocation of a permit (unclear - this appears to include licenses as well) shall be subject to judicial review by the District Court. (OK-08, pp. 127-128)
- Any regionally and/or nationally accredited school is subject to

license revocation if it is found to be in violation of statutes. (OK-11, p. 3)

d.
- See 5a.
- Violators of this Act are guilty of a misdemeanor punishable by a fine not less than $100 nor more than $500 or imprisonment of not more than 30 days. (OK-08, p. 128)

OK-08-6

2. Application (OK-08-6):

See OK-08.

Exemptions: In addition to exemptions a and b under OK-08, the following are listed:

c. Schools supported by state or local taxes.
d. Schools offering solely avocational, recreational, health, or entertainment instruction, as determined by the Board.
e. Courses sponsored by recognized trade, business, or professional organizations for their members.

3. Coverage (OK-08-6):

a.

b. ● "Course" is defined; content of a course must be descriptive of its title and qualify the graduate for employment or implementation of job performance or advancement in the occupation covered by the course. (p. 3)

c.

d.

e.

f.

g.

h. ● "Enrollment contract" is defined; it must show conditions governing a student's enrollment and student and school obligations, be endorsed by the student or guarantor and a school official, and a copy thereof must be retained by each of the two parties. (p. 4)

4. Administration (OK-08-6):

a. ● The State Accrediting Agency is delegated by the Board to administer and enforce OK-08 and OK-11.
● The Board acts in formal session on matters which the Board and the Agency Director decide are of sufficient gravity to require such action. (p. 3)
● The Board may amend these regulations and make such amendments effective according to the Administrative Procedures Act.
● The Director approves schools and agents as meeting requirements for licensing.

b. ● The Director reviews applications. (p. 4)

5. Enforcement (OK-08-6):

a. ● The Director disapproves schools and agents which do not meet requirements of the Act or regulations. (p. 4)

OK-08-4

2. Application (OK-08-4):

"Licensing...is required of those private schools...which offer courses other than those which are accountable to a standard college degree, which upon completion thereof qualify the students for immediate employment, and/or for the implementation of job performance or advancement...." (p. 1)

NOTE: Schools located in another state must be currently accredited, approved and/or recognized by the appropriate state agency, or accredited by a nationally recognized accrediting agency. (p. 11)

3. Coverage (OK-08-4):

Schools may be approved and licensed if they are found to meet the following criteria, indicated thus (*), recommended by the Board:

a. * ● The Board must have reasonable assurance that a school will properly conduct its affairs in keeping with the intent of OK-08 and OK-11 and regulations. (p. 10)

b. ● A course must provide necessary instructions to qualify students to satisfactorily perform duties of the occupation described by its title. (p. 6)
   * ● Courses, curriculum, and instruction are consistent in quality, content, and length with course objectives. (p. 10)

c. ● See 3h, item 5, point 12.
   ● The school shall award a diploma or certificate of completion and make available a transcript to each student completing a course satisfactorily. (p. 6)
   * ● Upon completion of training, the student is given a certificate of completion which meets regulation requirements. (p. 10)

d. ● Instructors must be qualified by education and experience, be of good moral character, and be graduates of recognized colleges or universities with baccalaureate degrees in a related field or have educational work experience background considered by the school to be eminently qualifying. (p. 6)
   ● One person must be designated as the authorized administrative official of the school and have full responsibility for school operations and obligations under the Act. He must be of good moral character, and should be a graduate of an approved college or university with a major in a related field, or have suitable experience as administrator or teacher in the school's major subject(s), or possess other qualifications which the Board considers substantially equivalent. He or his designated representative must devote full time to school operations while the school is in session. (pp. 6-7)
   * ● The school has adequate supervisory personnel to provide training of good quality.
   * ● The authorized administrative official, director, owner, supervisors, instructors, and representatives are of good reputation and character and possess satisfactory background in educational training, experience, and/or administration.

e. *● The school has adequate equipment and instructional materials to provide training of good quality. (p. 10)
- See 4c, item 2.

f.
- The school shall have sufficient finances to carry on a satisfactory educational program on a continuing basis.
- The school shall maintain satisfactory credit ratings. (p. 7)
- *● The school is financially sound and capable of fulfilling its commitments for training. (p. 10)
- See 4c, items 5 and 7.

g.
- See 3h, item 1.
- Schools shall require high school graduation or equivalent, or establish other requirements as they determine necessary for minimum prerequisites to enrollment, and shall maintain records in the students' files to show compliance with admission requirements.
- Schools may admit only students who have demonstrated through preenrollment tests or counseling their capability to satisfactorily complete the course in the time allotted. (p. 5)

h.
- Admission requirements must be published and administered as written.
- If a school fails to maintain qualifications to continue a course it offers, the course shall be removed from the catalog or stamped "Not Offered." (p. 5)
- Printed catalogs or information must be specific if they refer to entrance requirements, curricula, courses, tuition or fees, refund policies, or graduation requirements, and such references must accurately reflect information covered by Board approval.
- Schools shall publish tuition rates, methods of payment, and refund policy in the catalog or attach them to the catalog and shall not deviate from them. (p. 8)
- The school catalog or bulletin shall contain the following information: (1) name and address of the school, publication date of the catalog, and indication that information contained in the catalog is expected to remain effective during the forthcoming licensing year, and/or certification that the Board will receive advance notice in the event of changes in content of the catalog and/or other changes; (2) names and titles of the controlling owners, officials, and the authorized administrative official; (3) names, titles, and qualifications of all instructors and instructional supervisors; (4) calendar for the school year showing vacation periods, holidays, and beginning and ending dates for each school year, semester, quarter, term, and/or session; (5) school policies and regulations covering leave, absences, class cuts, make-up work, tardiness, and causes for school to terminate enrollment; (6) enrollment prerequisites for each course offered, indicating school policy relative to granting of credit for previous education, training, and/or work experience; (7) detailed listing of tuition, fees, books, supplies, tools, and instructional aids to be purchased by students and costs for each item; (8) policy and regulations at the school relative to refunds; in no event shall such policy provide lesser refund amounts than required by the Board's "Minimum Cancellation and Refund Policy" (see OK-05-1 and OK-08-5a, b, c); (9) topical outline of each course showing subjects, units, skills, or jobs to be learned and approximate number of clock hours in each phase of the training program; (10) institutional policy and regulations relative to standards of progress required of the student by the institution, defining school grading system, minimum grades considered satisfactory,

conditions for interruption for unsatisfactory grades or progress, a description of any probationary period allowed by the institution, and conditions for re-entrance of students dismissed for unsatisfactory progress. A statement will be made regarding progress records kept by the institution and furnished the student; (11) institutional policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct; and (12) upon completion of training, the student is given a certificate by the institution indicating the approved course and indicating that training was satisfactorily completed.

i.
- Schools and agents shall not guarantee to prospective students employment of any type, for any period of time, nor for any rate of pay, unless such is clearly stated in the enrollment contract and signed by student and school.
- Schools and agents shall not advertise nor represent to prospective students any information that the Board considers to be adversely critical and/or untruthful concerning courses of another licensed school or its staff or representatives at the community, state, or national level. (p. 7)
- See 3h, item 3.
- A licensed school shall not advertise that it offers courses it is not licensed to offer.
- Schools holding a franchise to offer specialized courses not open to other schools shall not advertise such courses so as to impugn the value and scope of courses offered by other schools. Such advertising of special courses shall be limited to courses offered.
- Schools shall not use any name or designation that is misleading or deceptive as to the character of the institution, its courses of instruction, or its influence in obtaining employment for students.
- Schools shall not use photographs or illustrations so as to convey a false impression of the size, importance, or location of the school or equipment.
- Schools shall not use endorsements unless with the written consent of the writer and without any offer of financial compensation. Such material shall be kept on file by the school.
- Schools shall not make or publish any false, untrue, or deceptive statement or representation concerning other private schools or their activities, courses, or educational services in attempting to enroll students.
- A school shall not solicit students by means of "blind" advertisement or advertisements in the "help wanted" or other employment columns of newspapers and publications.
- Schools shall not make false, untrue, or deceptive statements or representations regarding opportunities for employment in any vocation which may be available upon completion of any course of instruction.
- The title of the course as advertised must be specifically identifiable in the current approved catalog and neither the skill objective nor the salary prospective shall be exaggerated.
- Advertising shall clearly indicate that the school is licensed with inclusion of the statement, "Licensed by the Oklahoma Board of Private Schools" or "Licensed by the O.B.P.S." (pp. 9-10)
- See 3d, item 4 concerning requirements for representatives.
- * The school does not utilize advertising which is erroneous or misleading by statement or omission. (p. 10)

j.
- See 3h, item 5, point 10.
- See 3g, item 2.

- Schools shall maintain current, complete, and accurate student records containing: (1) name, age, and address; (2) dates enrolled and completed; (3) grades received on completed assignments; (4) all monies owed and/or paid; and (5) other records which may have direct bearing on continued school approval.
- Records shall be open to inspection by Board officials. (p. 5)
- Teacher applications and student-teacher agreements shall be put on file when the teacher is employed. (p. 6)
- See 3i, item 8.
- * Adequate records are kept to show student progress or grades.
- * The school maintains written records of previous student education and training, as the student provides. (p. 10)

k.
- Schools shall not offer scholarships, premiums, or other inducements unless such are clearly identified in the application approved by the Board, showing type, purpose, and monetary value of each.
- Failure to maintain tuition rates as published is grounds for license suspension or revocation. (p. 7)
- See 3h, item 4.

l.
- See 3h, item 4.
- * Cancellation and refund policy meets standards prescribed by the Board. (See OK-08-1 and OK-08-5a, b, c.)

m.
- See 3i, item 1.

n.
- * Satisfactory standards relating to progress and conduct are enforced. (p. 10)

4. Administration (OK-08-4):

a.
- The Board investigates and evaluates private schools and may do so from time to time to determine if operating schools are operated or, in the case of new schools, can be operated in compliance with minimum standards. The Board issues licenses and makes regulations under this Act.
- The Director investigates and considers applications for approval of schools.
- See 4c, item 2 regarding the Attorney General's role regarding bonds.

b.
- See 4a.
- Upon determining that a school meets standards, the Board prepares the license and sends it with formal notice of approval to the school. (pp. 10-12)

c.
- See Section 6.
- Applications shall be filed on forms provided, setting forth school location, courses, financial resources, director's qualifications, and description of facilities. Application shall be verified and accompanied by: (1) fee; (2) copy of the bond covering the school and its representatives, processed on forms provided and attested to by the Oklahoma Attorney General; (3) a copy of the catalog (see 3h), certified true and correct in content and policy by the school's authorized administrative official; (4) enrollment application and student-school contract forms; (5) school floor plan identifying doors, windows, halls, offices, restrooms, storage space, size and seating capacity of classrooms, lighting kind and intensity in each room, and type of heating and cooling systems; (6) evidence of recent inspection which determined that the building(s) satisfy existing codes pertaining to fire, sanitation, and building standards; and (7) financial statement (see item 5 below).

- Licenses are not transferable. New owners shall comply with all requirements for securing an original license.
- Separate licenses are required for each school branch or classes.
- Schools applying for licensing and relicensing shall file with the Board annual financial statements in conventional balance sheet and income statement form, following the Board's guidelines and covering the latest fiscal or calendar year based on the school's normal accounting period. In lieu of these, the school may submit a consolidated, audited, and unqualified financial statement, including school operations and a written commitment by the owning corporation assuming full obligation for the school's financial stability. In cases of parent corporation ownership, a certified copy of the resolution of the Board of Directors of the parent corporation indicating full acceptance for the school's financial responsibility shall accompany financial statements. (pp. 1-4)
- Schools shall offer only courses they are licensed to offer. (p. 5)
- The Board may require a financial statement or information from any school if possible financial insecurity is indicated. (p. 7)
- Upon receipt of notification of licensing requirements, schools shall file letters of intent within 30 days and full applications within 60 days. (p. 12)

d. • See OK-08/OK-11, 4d.

e. • See OK-08/OK-11, 4e.

5. Enforcement (OK-08-4):

a. • The Board denies and revokes licenses, investigates schools (see 4a),
b. and holds hearings.

c. • See 3k, item 2.
- School application may be disapproved when it is clearly shown that it does not meet one or more criteria herein established.
- If application is disapproved, the school may request and receive a hearing within stated time limits. The school shall be notified of Board action by certified letter and may appeal such action to the appropriate court. (p. 9)
- Licenses may be revoked if it is found that the school has failed to comply with the law or regulations. The school shall be notified by certified mail of grounds for such contemplated action, and a hearing may be requested and received within stated time limits. If the Board revokes the license, the school shall be notified by certified mail, and revocation shall take effect on date of action. The school may appeal such action to the appropriate court. (p. 11)

d. • Contracts with unlicensed schools are null and void.
- See OK-08/OK-11, 5d, item 2. The court may impose both fine and imprisonment as penalties. Each day of unlicensed school operation constitutes a separate offense. (p. 12)

6. Other (OK-08-4):

Schools shall submit to the Board justifications for public need of their course offerings which will satisfy the Board that such need exists. (p. 1)

OK-08-2

2. Application (OK-08-2):

"[Persons seeking] to represent private schools offering below college level courses leading to occupational objectives as salesman, representative, counselor, or solicitor...[to sell] courses to residents of the State of Oklahoma must apply to the Board for a 'Representative License.'" (p. 1)

The mere filing of an application does not meet requirements of law, and no solicitation may occur before a license is received. A "break-in" period of solicitation unaccompanied by a licensed representative of the school is not allowed. (p. 2)

3. Coverage (OK-08-2):

f. • The representative must be covered by a bond covering liabilities of the school and its agents, provided by the school, in an amount from $5,000 to $20,000 (see OK-08/OK-11, 3f). (p. 3)

g.

h.

i. • The representative shall not advertise that the courses he offers are other than as specified in information supporting the school application and approval. (p. 4)
   • See 5c for restrictions on representatives' statements.
   • See 4b, item 2.

j.

k.

l.

m. • See 5c for restrictions on representatives' statements.

4. Administration (OK-08-2):

a. • The Oklahoma Board of Private Schools approves applications and licenses representatives.
   • The Director of the State Accrediting Agency receives and routes applications.

b. • Upon receipt of application, the Director forwards application forms to the applicant and school for completion by the applicant and school's authorized administrative official. (p. 4)
   • Upon receipt of official application, a Board representative examines it and, if in order, forwards appropriate forms to persons listed as character references. The Director may request a report on an applicant from the Better Business Bureau. If references are satisfactory regarding applicant's moral character, honesty, ability, and general citizenship, the Board will issue a license; or it may issue the license immediately if the Director feels this is warranted, upon condition that it will be recalled immediately if reliable information is received indicating need for revocation. (p. 6)

c. • Applications shall be on forms prescribed containing: (1) name and address of school (only one employer may be listed per application); (2) title, length, and cost of each course to be sold; (3) two photographs; (4) data such as age, height, weight, address, education, experience, and five references; (5) certification by the school's authorized administrative official that the school is licensed to offer courses in (2), that the school employs the representative, and that the representative is under bond coverage; and (6) record of the applicant's activities for the preceding 10 years, including jobs held, employers' names and addresses, schools attended, military service, etc. (pp. 1-2)

• Licenses must be obtained and renewed for each school represented. (p. 3)

d. • See OK-08/OK-11, 4d.

e. • See OK-08/OK-11, 4e.

5. Enforcement (OK-08-2):

a. • The Board disapproves and revokes licenses. (pp. 4-6)

b. • See 5c.

c. • Licenses may be disapproved if: (1) applicant fails to answer application questions satisfactorily within 30 days (applications may be returned by the Board no more than two times); (2) school director indicates that school is not licensed or representative not employed; (3) less than four references are received within 30 days of questionnaires being mailed after follow-up letters have been sent; (4) two or more references indicate applicant to be dishonest or immoral and either of these declines to recommend licensing (if only one reference indicates such, further follow-up will be made); or (5) any other conditions of law or regulations are not met. If application is denied, the applicant shall be notified of reasons, given opportunity for hearing within stated time limits, notified of Board decision, and advised of right of appeal to the appropriate court if license is denied. (pp. 4-6)

• Licenses may be revoked if the Board has evidence that: (1) a representative solicits students through fraud or misrepresentation; (2) a school is no longer licensed or no longer employs the representative; (3) application information was fictitious or unacceptably distorted; or (4) a representative has not complied with terms under which he was licensed. Such terms are that the representative shall not: (1) promise any type or period of employment or any rate of pay unless such is clearly stated in the enrollment contract signed by the school's authorized administrative official and the student; (2) discuss the affairs or qualifications at community, state, or national level or facilities of another licensed school or its staff in any manner the Board construes as adversely critical or untruthful; (3) attempt to persuade a prospective student to cancel enrollment at another licensed school; (4) mislead prospective students by promising anything not specifically in the enrollment contract; or (4) propose courses to a prospective student whose title, length, cost, or objectives differ from that which the Board has approved. (pp. 6-7)

• If evidence of violation exists, the Director shall request immediate return of license and suspension of solicitation. Opportunity for hearing shall be offered the representative or his counsel, and hearing shall be set and held within stated time limits. The Board may then reinstate or revoke the license; if it is revoked, notice shall be sent to the representative, including a statement that subsequent application for license shall be refused during the period of revocation, and advising representative of his right to appeal to an appropriate court. (pp. 6-9)

d. ● An unlicensed representative who solicits or sells courses is guilty of a misdemeanor, punishable by a fine of $500 or imprisonment for 30 days. (pp. 2-3)

OK-08-5a, b, c

2. Application (OK-08-5a, b, c):

OK-08-5a includes the refund policy for business schools.

OK-08-5b includes the refund policy for correspondence schools and courses.

OK-08-5c includes the refund policy for trade, technical, and flight schools.

Specific definitions of these types of schools were not given.

3. Coverage (OK-08-5a, b, c):

f. • See 31, all items.
g.

h. • See 31, all items.
i.

j. • See 31, last item.
k. • See 31, all items.
l. • 5a, Refund Policy for Business Schools: Tuition and all other charges and a definite, equitable refund policy must be clearly and separately stated and uniformly administered. The catalog must mention all charges listed in another publication. Student records shall clearly show amounts paid and owed. Enrollment agreement or catalog must clearly outline school and student obligations and student must receive a copy.

School regulations may require written notice of cancellation, notice from parent if student is under 21, and withdrawal date as last date of recorded attendance.

If tuition is collected in advance of entrance and the student does not enter, the school must refund all but $100 within 15 days after classes begin or 30 days after notice is received, whichever is first.

For programs of 3 to 12 months, students withdrawing after beginning classes shall be refunded: (1) all but 15% of stated course price during the first week; (2) all but 45% during the first 25% of the course; (3) all but 70% during the second 25% of the course; and (4) nothing thereafter, based on amount of time completed, not units of credit earned. Any unused portion of book fee shall be refunded.

For programs of more than 12 months, all fees beyond 12 months shall be refunded as well.

For programs of 3 months or less, a policy is encouraged which provides for a stated and equitable refund when discontinuance is for reasons clearly beyond student's control. School may retain reasonable amounts in excess of pro rata charges in partial compensation for expenses not diminished by student discontinuance.

Any correspondence regarding cancellation must acknowledge the existance of the refund policy. School business practices must reflect good taste and sound and ethical procedures.

- 5b, Refund Policy for Correspondence Schools and Courses: Schools must have definite refund policies. Cancellation must be written but no particular form is required, except notice by certified mail may be required if the enrollment agreement so states. Schools must acknowledge receipt of notice.

Applicant may cancel enrollment within 72 hours after midnight of date of signature and receive refunds of all but 10% of course price up to $50. Students requesting refunds within 30 days shall receive a refund of all but the pro rata cost of lessons completed or 15% of course price plus $50, whichever is larger. Students requesting refunds after 30 but before 60 days shall receive a refund of all but the pro rata cost of lessons completed or 20% of course price plus $50, whichever is larger. Students requesting refunds after 60 but before 90 days shall receive a refund of all but the pro rata cost of lessons completed or 25% of course price plus $50, whichever is larger. Students requesting refunds after 90 but before 180 days shall receive a refund of all but the pro rata cost of lessons completed or 50% of course price plus $50, whichever is larger. After 180 days no refund is due.

In case of circumstances beyond student control, school shall give the student consideration and make a settlement reasonable and fair to both. School correspondence regarding cancellation and school enrollment agreement must acknowledge existence of the refund policy. Collection procedures must reflect good taste and sound and ethical business practices.

5c, Refund Policy for Trade, Technical, and Flight Schools: Schools must be able to show that tuition for each course and charges for housing, board, and dormitory are reasonable in terms of services and equipment furnished and school operating costs. Catalog and/or enrollment agreement must clearly outline obligations of both school and student. A copy must be furnished the student before any payment is made. Schools must have definite refund policies. Policy for courses of 300 clock hours or more shall be at least: (1) termination shall be either 7 days after last class attendance or date of receipt of written cancellation. Cancellation may be required to be by certified or registered mail if the enrollment agreement so states, and parents may be required to give notice if student is under 21. Refunds shall be made within 30 days of receipt of notice; (2) applicants may cancel before classes begin and shall receive a refund of all but a registration fee equalling 15% of course price up to $100; (3) students requesting refunds after entering but within completing 25% of the course shall receive a refund of all but at least 25% of course price plus $100; (4) students requesting refunds after completing 25% but within 50% of the course shall receive a refund of all but at least 50% of course price plus $100; and (5) after 50% of course is completed, no refund is due. Percent of completion shall be computed on basis of amount of clock, quarter, or semester hours in the course. If tuition has been paid in advance in excess of 1 year, all tuition beyond the first year shall be refunded. Items whose charges are stated separately from tuition need not be considered in refund computations.

Schools whose courses are less than 300 clock hours shall follow points (1) and (2) above except that registration fee may be up to 25% of course price up to $100.

Records shall include home and address of student, number and date of each invoice, amount of debit or credit and balance for each entry, and enrollment agreements. Records shall be open to Board inspection. Special flight record provisions are mentioned.

OK-01

2. Application (OK-01):

All state educational institutions are under the jurisdiction of the Oklahoma State Regents for Higher Education, including municipal junior colleges.

Private educational institutions may become coordinated with the State System under regulations prescribed by the Regents.

3. Coverage (OK-01):

a. • The State Regents shall determine the functions and courses of study in each of the institutions to conform to the standards prescribed.
b.
c. • The Regents shall grant degrees and other forms of academic recognition for completion of prescribed courses. (p. 4)
d. • The Regents shall establish guidelines for compensation for services of faculty and staff of all colleges and universities in the State System and shall establish guidelines and standards for faculty and staff workloads. (C.S. 1974, Section 214, p. 41)
e.
f. • The Regents shall allocate funds to each institution according to its needs from appropriations made by the Legislature.
g. • The Regents shall prescribe standards for admission to, retention in, and graduation from state educational institutions. (p. 4)
• The Regents are to adopt a policy that Oklahoma residents be given priority over equally qualified nonresidents for admission to any professional and specialized programs in the various colleges and universities in the System. (C.S. 1974, Section 279, p. 59)
h.
i.
j.
k. • The Regents shall establish fees and a system of student scholarships for resident students.
• The Regents shall have authority to establish enrollment fees and tuition for nonresident students at rates consistent with the policies on student charges, provided that the schedule of required fees and tuition shall be a minimum of $36 and a maximum of $42 per semester hour at the state universities; a minimum of $24 and a maximum of $30 at 4-year institutions; and a minimum of $17 and a maximum of $23 at junior colleges. (C.S. 1975, Section 195, p. 146)

OK-02

2. Application (OK-02):

State system of six public colleges.

3. Coverage (OK-02):

a. • The Board of Regents for Oklahoma Colleges shall do all things necessary to carry out the powers expressly granted to it, or to make institutions under its jurisdiction effective for the purposes for which they are maintained or operated. (p. 37)

b.

c.

d. • The Board shall employ and fix the compensation and duties of such personnel as it deems necessary for the operation of the institutions. (p. 36)

e. • The Board shall have supervision of the construction of all buildings and determine the need for and cause to be constructed dormitories and other buildings at institutions under its jurisdiction. (p. 37)

f. • Any personnel having custody of public funds or property may be required to furnish corporate surety bonds.

• The Board, or officials authorized by it, shall enter into contracts, purchase supplies, materials, and equipment, and incur such other expenses necessary to make its powers effective.

g.

h.

i.

j.

k. • The Board shall direct the disposition of all monies appropriated by the Legislature or Congress or received from any other source by institutions under its jurisdiction.

4. Administration (OK-02):

a.

b.

c. • The Board shall audit all accounts against the funds allocated to the institutions. (p. 37)

5. Enforcement (OK-02):

a. • The Board shall provide penalties and forfeitures by way of damages for the violation of its rules and regulations. (p. 37)

OK-04

2. Application (OK-04):

Public community junior colleges and municipal junior colleges.

Two-year colleges that are part of the State System may become area school districts for the purpose of providing postsecondary vocational and/or technical education programs.

3. Coverage (OK-04):

a. • Each municipal junior college and community junior college shall comply with, and be accredited under, standards and regulations prescribed by the State Regents.
b. • Each shall offer courses of study and educational programs as authorized by the Regents.
c. • Each shall grant certificates and degrees as authorized by the Regents.
d.
e.
f. • Any municipal or community college established, operated, and accredited as provided shall be eligible to receive assistance from the state for educational and general operation. Such funds shall be allocated by the Regents. (p. 65)

4. Administration (OK-04):

g. • A community junior college may be discontinued under rules and regulations adopted by the Regents and upon approval of the Legislature. (p. 65)

OREGON

1. Identification:

OR-01

Laws Governing the Licensing of Private Vocational Schools under provisions of Chapter 345, ORS

Effective date: 1975

Stated purpose: "It is the purpose of this 1975 Act to provide for the protection, education and welfare of the citizens of this state, its vocational schools and its students, by establishing minimum standards concerning quality of education, ethical and business practices, health and safety and fiscal responsibility, and protecting against substandard, transient, unethical[,] deceptive or fraudulent practices." (p. 8)

Basic effect: Requires schools and agents to be licensed; requires schools to meet minimum standards in areas outlined in the Act; requires schools and agents to be bonded.

Basic coverage: Private non-degree granting

OR-01-1

Administrative Regulations Pertaining to Private Vocational Schools and Salesmen (Sections 45-005 through 45-055)

Effective date: July 1975

Stated purpose:

Basic effect: Sets detailed standards for residence and correspondence schools.

OR-03

Oregon Education Coordinating Commission (Degrees) (Sections 348.835-348.990)

Effective date: 1975

Stated purpose:

Basic effect: Gives the Oregon Educational Coordinating Commission authority to approve an institution's requirements for each degree program; requires institutions to obtain such approval before advertising, offering, or conferring any degree (see OR-03-1 for exempt institutions); requires institutions to file information requested by the Commission and to maintain required standards; authorizes Commission to inspect schools and revoke approval to grant degrees; sets penalties; gives Commission authority to make rules and carry out its functions.

Basic coverage: Private degree granting

No further abstract prepared.

NOTE: In relation to the private degree granting sector, see also OR-04, Sections 2 and 6 regarding state contracts for educational services with such institutions.

OR-03-1

Standards and Procedures for Approval of Degree Requirements in Certain Oregon Private and Out-of-State Institutions

Effective date:

Stated purpose: "...to provide standards and procedures for submission of requirements and for Commission review and approval of the same, and to assure that institutions...meet minimum standards of quality in their operation and conferral of degrees...[and] to help prevent deception of the public resulting from the conferring and use of fraudulent or substandard degrees." (p. 1)

Basic effect: Describes areas of standards that institutions must meet and information they must submit in evidence; requires institutions to be located within Oregon or designate an in-state representative; describes Commission's review, approval, and revocation procedures.

OR-02

Chapter 341: Community Colleges

Effective date: 1 October 1975

Stated purpose: "The State Board of Education should be responsible for coordinating the community college program of the state and should have general supervisory responsibilities for that program." (p. 144)

Basic effect: Requires the State Board to adopt guidelines for the development and management of community college districts, provides procedures for the formation and approval of districts, and states the financial policies for state reimbursement to the districts.

Basic coverage: Public degree and non-degree granting (2-year institutions)

OR-02-1

Community College Course Eligibility

Effective date: Revised 1974

Stated purpose: "The State Board of Education...has responsibility for approval of community college course and curriculum offerings." (p. 3)

Basic effect: Stipulates the general standards for course approval and the course and curriculum approval procedures.

OR-02-2

Community College Instructor Standards

Effective date: Revised 1974

Stated purpose: "All instructors shall be subject to approval of the State Board of Education." (p. 11)

Basic effect: Stipulates that each community college will establish a policy on instructor selection and development, including instructor qualifications.

OR-04

Chapter 351: Higher Education Generally; Chapter 352: Institutions of Higher Education

Effective date: Includes 1975 amendments

Stated purpose:

Basic effect: The State Board of Higher Education may manage and control the property and facilities, promulgate rules and regulations, employ administrators and faculty, and prescribe tuition fees and qualifications for admission to the public institutions of higher education.

Basic coverage: Public degree granting

OR-01

2. Application (OR-01):

"No person shall...do business as a vocational school in this state without obtaining a license...."
"No person shall act in this state as an agent for a vocational school domiciled within or outside this state, unless he has obtained a license...."
"No person shall act as an agent for a vocational school unless and until the vocational school has either obtained a license...or the agent has supplied information...that the school meets minimum standards established under...this...Act." (p. 2)

"Vocational school" includes private proprietary vocational, technical, home study, correspondence, business, professional, or other instruction for preparation for a vocation or profession.

"Agent" means a person representing or purporting to represent for remuneration a vocational school within or outside the state.

Exemptions:

a. Instruction solely avocational or recreational or institutions offering such education exclusively.
b. Vocational schools regulated and licensed under another state law.
c. Parochial or denominational institutions unless they grant degrees, diplomas, or other certificates of completion not issued in compliance with OR-04.
d. Summer high schools under district school board regulations offering regular high school work or credit.
e. Instruction offered by trade, professional, business, or fraternal organizations or by businesses solely for members or employees or without fee.
f. Instruction offered by nonprofit groups if it is advertised as vocational or professional self-improvement but not advertised as leading to licensing, certification, accreditation, or educational credentials.

NOTE: The Superintendent of Public Instruction may license any vocational school licensed in another state or accredited by a USOE-recognized agency without requiring specific proof of compliance with standards adopted under the Act if he finds that standards for such licensing or accreditation are substantially similar to those adopted for Oregon. (p. 3)

NOTE: See 3h, item 3 for different requirements for in-state and out-of-state contracts.

NOTE: See 3f, item 2 for different agent bonding requirements for in-state and out-of-state schools.

3. Coverage (OR-01):

Before licenses will be granted to schools, they must present proof that they meet standards adopted under this Act. The State Board of Education shall adopt rules reasonably calculated to assure that:

a.

b. • Quality and content of each course of instruction are such as may reasonably and adequately achieve the course's stated objective.

c.
- Upon satisfactory completion of instruction, students are given appropriate educational credentials indicating such satisfactory completion. (p. 9)

d.
- No school license shall be granted if any individual having authority or control over school operations has been convicted of any felony or of a misdemeanor involving moral turpitude. This does not include faculty members unless they have authority or control over school operations or unless they have been convicted of any offenses involving illegal sale, use, or possession of narcotics, or any sexual offenses. (pp. 2-3)
- Personnel are adequate in number to provide instruction of good quality.
- Education and experience of directors, administrators, supervisors, and instructors reasonably insure that students will receive training consistent with course objectives, and these persons are also of good reputation and character. (pp. 9-10)

e.
- The school has adequate space, equipment, and instructional materials to provide instruction of good quality.
- The school is operated in compliance with all laws, ordinances, and rules relative to safety and health of persons on the premises. (p. 9)
- Any student housing maintained or approved by the school is appropriate, safe, and adequate. (p. 10)

f.
- In order to obtain an original or renewal license, a school must furnish to the Superintendent financial statements by a public accountant showing capital structure adequate to fulfill school commitments for the license year, and must file a bond running to the State of Oregon in the penal sum of $2,500 conditioned that the school shall fulfill all contracts with students and comply with this Act and rules thereunder.
- Applications for agent's license shall be accompanied by a bond running to the State of Oregon, conditioned that applicant shall conduct business in accordance with this Act and rules. Agents representing schools domiciled in Oregon shall file bonds of $1,000; if the school is domiciled out-of-state, bonds shall be $2,500. (p. 4)
- The school is financially sound and capable of fulfilling commitments to students. (p. 9)

g.
- Licensed schools (under this or any other Oregon law) shall not discriminate in or refuse admission or instruction to any qualified person on the basis of race, color, sex, marital status, religion, or national origin. (p. 8)

h.
- Schools shall prominently display their licenses. (p. 3)
- Tuition contracts shall contain the school refund schedule, which shall meet requirements as the Superintendent establishes.
- Contracts between students and in-state schools shall state that inquiries regarding the contract may be made in writing to the school or the Superintendent. (p. 6)
- The school provides all interested persons, including prospective students prior to enrollment, with a catalog describing courses and programs offered and their objectives and lengths, schedule of tuition and all charges to complete the course as are reasonably likely to affect the student's decision to enter (sic), and other disclosures required by rule or the Superintendent. (p. 9)

i.
- Applicants for agents' licenses shall be at least 18 years of age, of good moral character, and otherwise qualified and competent to act in a manner safeguarding the public interest. Agents shall carry their licenses whenever soliciting. (p. 3)
- Schools and agents do not engage in advertising, sales, collection, credit, or other practices which are unlawful.

j.
- Adequate records are maintained to show attendance, progress, or grades,

and adequate provision is made for continued record maintenance should the school cease operations. (p. 9)

- k.
  - Contracts, notes, or other evidence of student indebtedness shall have printed on the face thereof, "Student Loan." These shall not be negotiable instruments, except that this restriction does not apply to any evidence of indebtedness owned, guaranteed, or insured by a federal or state agency. (p. 5)
  - See 3h, item 2.
- l.
  - The Superintendent may establish different refund policies for residence and correspondence schools when the difference in services performed necessitates separate schedules. (p. 6)
  - In establishing refund policies, the Superintendent shall consider: (1) the institution's reasonable fixed costs; (2) method of instruction; and (3) reasonable value of services performed prior to cancellation.
  - Provisions of this Act are not intended to prevent schools from requireing advance tuition deposits from prospective enrollees. (p. 6)
- m.
- n.
  - Satisfactory standards are enforced relating to attendance, progress, and performance. (p. 9)

4. Administration (OR-01):

- a.
  - The Superintendent of Public Instruction administers and enforces this Chapter and its rules, controls issuance, denial, suspension, and revocation of licenses, receives applications, and appoints an advisory committee as described in this Act. (pp. 2, 4, 10) Also see 3l, items 2 and 3, and 5e.
  - The State Board of Education, with recommendation of the Advisory Committee, adopts by rule minimum standards for school licensing. (pp. 8, 10)
  - The Advisory Committee makes recommendations on needs for vocational training, minimum standards, refund schedules, and standards for vocational school courses which may be recognized for credit by community colleges. (pp. 10-11)
- b.
- c.
  - See 5e.
  - See 3f concerning required school and agent bonds.
- d.
  - School and agent licenses shall be renewed annually. (p. 3)
- e.
  - Annual school license fee shall be $100. Annual agent's license fee shall be $25. (p. 4)
- f.
- g.
  - Neither the Superintendent nor any assistant deputy nor department employee shall have a financial interest in any vocational school nor act as agent or employee thereof. (p. 2)

5. Enforcement (OR-01):

- a.
  - See 4a, item 1 concerning denial, suspension, and revocation of licenses.
  - The Superintendent may, on his own motion for cause, and shall on the verified complaint in writing of any person, investigate actions of any school or agent or purported school or agent. (p. 7)
  - See 5d, item 1 concerning Board and Superintendent authority to determine penalties for violation of this Act or rules.
- b.
  - See 5a, item 2.
- c.
  - See 5e.

- The Superintendent may revoke licenses if the licensee has: (1) obtained a license by misrepresentation; (2) violated this Act or rules; (3) entered into a contract violating requirements described in 3h, item 2 and 3l, item 2; (4) ceased to engage in the licensed business; or (5) willfully engaged in any practice declared unlawful in the state Unlawful Trade Practices Act. (p. 7)
- School licenses may be suspended or revoked for submission of proof that violation of requirements described in 3g has been committed. Notice and opportunity for hearing must be held and suspension or revocation may be appealed in the same manner as appeal from any other order of license suspension or revocation by the agency. (p. 8)

d.
- The State Board of Education, after recommendation from the Advisory Committee and consultation with the Attorney General, adopts a schedule of civil penalties for violations of this Act not exceeding $300 per violation. The Superintendent imposes such penalties after considering: (1) school or agent attempts to correct any violation; (2) prior violations; and (3) financial conditions of the person incurring a penalty, and may remit or mitigate penalties on conditions as he/she sees fit or on condition that a violation cease within 15 days. If imposed penalties are not paid or appealed within 60 days, the penalty order shall constitute a judgment and may be executed in the same manner as a court judgment. (p. 12)
- Agent bonds shall be conditioned (in addition to those conditions described in 3f, item 2) such that any person, including agent's employer, may sue and recover on such bond for any loss or damage resulting from agent embezzlement or fraud. (p. 4)
- All bonds shall be filed with the Superintendent, and any injured person shall have the right in his own name to commence action against the school, agent, and/or surety for recovery of damages. The court may also allow additional sums as it may judge reasonable as attorney fees.
- Whether or not the words "Student Loan" appear on the face of evidence of indebtedness (see 3k), an assignee of such evidence is subject to all claims and defenses of the student against the school, up to the amount owing to the assignee. (p. 5)
- If the student's contract does not contain school refund policy, the school may not bring action against the student, though it may defend itself against actions brought by others. (p. 6)
- If a school takes legal action, it must prove it was licensed as a school at the time the cause of action arose; if a school agent was involved, the school must also prove the agent was licensed.
- District and circuit courts shall have concurrent jurisdiction in criminal actions under this Act.
- Remedies in this Act are in addition to any other remedies provided at law. (p. 7)
- Violation of requirements described in 4f, the basic prohibitions in Section 2, 3h, items 1 and 2, 3l, item 1, last sentence, 3l, item 2, or rules adopted by the Board to set standards described in 3a-n shall constitute a class B misdemeanor. (p. 11)
- Violation of any of the above described requirements (except standards in 3a-n), or requirements described in 3h, item 3, or use of unlawful trade practices shall incur civil penalties as described in item 1 of this subsection. All penalties recovered shall be credited to the State General Fund. (pp. 11-12)

e.
- Agent applicants for out-of-state schools shall be held to have appointed the Superintendent as agent for service of process against

such applicant; such service shall be held in all courts to be as binding as personal service upon the applicant. If the applicant is a corporation, a resolution from its board of directors authorizing such appointment must accompany the application. The Superintendent shall notify the applicant of any such service by certified mail. The state Pleading and Publication Statutes must also be complied with. (p. 3)

OR-01-1

2. Application (OR-01-1):

See OR-01.

NOTE: See 3b, 3g, 3i, 3j, 3l, 3m, 3n, and 4c for specific provisions for correspondence schools.

3. Coverage (OH-01-1):

Applicants for licenses shall demonstrate that:

a.

b. • They maintain courses, curriculum, and instruction consistent in quality, content, and length to meet stated vocational objectives of the program. (p. 2)
  • Correspondence schools shall provide ample study materials, which shall be accurate, sufficiently comprehensive to achieve announced objectives, reflective of current knowledge and practice, and effective in use of appropriate teaching devices and aids. Effective procedures for improving and updating materials shall be used. (p. 7)

c. • They provide a signed certificate to students upon course completion stating date of satisfactory completion and name of school and course. (p. 2)

d. • They meet qualifications for directors and instructors set forth below. (p. 2)
  • Licenses shall not be granted if any school official has been convicted of a felony or of a misdemeanor involving moral turpitude. (p. 3)
  • All members of the school's instructional staff should meet or exceed the following requirements: (1) have at least two years' work experience or two years' formal education or equivalent combination in the area of instruction; (2) hold all licenses, certificates, and ratings legally required to be employed in the field; (3) have teaching instruction or supervised teaching experience; (4) have completed a training program allied to the area of instruction; and (5) demonstrate up-to-date knowledge and continuing study in the area of instruction.
  • An instructor's moral, physical, and mental competency shall be the responsibility of the school management.

e. • They comply with governmental statutes and regulations pertaining to fire, building, and sanitation codes.

f. • They are financially sound and capable of fulfilling commitments to students. (p. 2)

g. • Correspondence schools shall exercise care in enrolling only students who can reasonably benefit from instruction. (p. 7)

h. • They furnish to each student before enrollment a copy of course outline, schedule of tuition and other charges, regulations on absences, grading policy, and rules of operation and conduct. (p. 2)
  • Included in one of the school's publications provided to students or prospective students on request shall be an accurate and complete statement of costs, available payment methods, refund schedule, and other information on student financial obligations. (p. 4)

i. • Schools shall not use the word "free" in advertising unless it can prove that "free" training or service is derived from sources other than tuition or other student payments. A school may use "no additional charge" or "no obligation."

- Schools shall use no misleading or false advertising, e.g., offering a "warranty" when the service is not capable of being warranted, etc.
- Schools may advertise and promote only the training and service offered and shall do nothing to reflect upon the program, methods, or procedures of other schools.
- Schools whose courses of training have identifiable vocational objectives may have a responsibility for providing placement assistance to students and, if so deemed by a school, it may state this fact in its advertising.
- Schools shall have records available to document any statements made through advertising media as to the school's record of placing students on jobs.
- Schools may use only the official certification emblem and/or wording appearing thereon in referring to their certified status.
- Schools may use "Employment" and "Help Wanted" classified advertisements in newspapers only for procuring employees or agents for the school.
- Schools shall include school name and address on all advertisements through any media. (p. 4)
- Schools shall not: (1) utilize advertising of any type which is erroneous or misleading, either by actual statement, omission, or intimation; (2) be licensed in this state if any salesman has been convicted of any felony or a misdemeanor involving moral turpitude; (3) advertise that they are endorsed, recommended, or approved by the State Department of Education or Superintendent of Public Instruction; (4) advertise or claim that they will completely train students in any given length of time; (5) expressly or impliedly guarantee employment before enrollment, during the course, or after the course is completed, nor guarantee any certain wage per hour; (6) advertise that they are under state supervision or approval, but the term "licensed" may be used; or (7) advertise that they are endorsed by organizations or individuals engaged in the line of work for which they train, unless they can present satisfactory written evidence of this fact to the Department.
- No school officer or employee shall knowingly solicit any student to leave an institution of any type in which he is in attendance, nor shall any student be induced to change his plans when he has definitely enrolled in any other licensed private vocational school. (p. 3)
- See 3m, item 2.
- Item 9, points 3, 5, 6, and 7 above are specifically repeated for correspondence schools. In addition, correspondence schools may not advertise other than under the school name. (p. 7)

j.
- They maintain written records of enrolled students' previous education and training. (p. 2)
- Correspondence schools shall maintain essential student records and transcripts. (p. 7)

k.

l.
- They maintain a refund policy meeting requirements set forth below. (p. 2)
- Residence schools: If a student's enrollment is terminated for any reason by either party, minimum refund shall be: (1) if a student is not accepted, all monies paid will be refunded; (2) all monies paid will be refunded if written notice of cancellation is received within 3 business days after signing an enrollment agreement; and (3) after 3 business days after signing an enrollment agreement but prior to beginning classes, all monies paid except a registration fee of not more than 10% of the total tuition price of the course, or $100, whichever is less, shall be refunded.

  For courses 120 hours or longer: (1) Students terminating within the first week of attendance shall be refunded all but the registration fee;

(2) students terminating after 1 week but before completing 25% of the course shall be refunded all but 25% of the total course tuition, plus registration fee; (3) students terminating after completing 25% but less than 50% of the course shall be refunded all but 50% of the total course tuition, plus registration fee; and (4) students terminating after completion of 50% of the course will receive no refund.

For courses of less than 120 hours duration: (1) students terminating after starting training but before completing the first 25% of the course shall be refunded all but 25% of the total course tuition, plus registration fee; (2) students terminating after completing 25% but less than 50% of the course shall be refunded all but 50% of the total course tuition, plus registration fee; and (3) students terminating after completion of 50% of the course will receive no refund.

Refunds will be computed from date of receipt of withdrawal notice or from 2 weeks after last date of attendance, whichever is earlier. Refunds shall be made within 30 days.

Total tuition is the charge for instruction including the registration fee, but items such as supplies, books, tools, activities, laboratory fees, deposits, and other charges need not be considered in tuition settlement computations when they are separately shown in the enrollment agreement, catalog, or other published data furnished the student before enrollment.

In the case of a student's prolonged illness, accident, death, or other such circumstances clearly beyond the control of the student that make it impractical to complete the course, the school shall make a fair and reasonable settlement or allow the student the option of completing it at a later date. (pp. 5-5a)

- Correspondence schools: (1) If enrollment is cancelled in writing within 3 business days of date of signing agreement, all monies shall be refunded; (2) after that time until the school receives the first lesson, written cancellation requires a refund of all but 10% of tuition or $100, whichever is less; (3) after the school has received for service not more than 10% of the lessons, it must refund all but the registration fee plus 10% of the tuition; (4) after the school has received for service more than 10% but not more than 25% of the lessons, it must refund all but the registration fee plus 25% of tuition; (5) after the school has received for service more than 25% but not more than 50% of the lessons, it must refund all but the registration fee plus 50% of the tuition; and (6) after the school has received for service more than 50% of the lessons, it may retain the full tuition.

  Refunds shall be made within 30 days.

  In case of student prolonged illness, accident, death, or other such circumstances clearly beyond the control of the student that make it impractical to complete the course, the school shall make a fair and reasonable settlement or allow the student the option of completing it at a later date. (pp. 5a-6)

m. • See 3i, items 4 and 5, and item 9, point 5.
   • If a correspondence school offers placement assistance, it must be as advertised. (p. 7)

n. • Schools shall submit grades regularly and furnish transcripts on request. (p. 2)
   • Correspondence schools shall provide prompt return of examinations and, on request, competent counseling services. Inquiries from students shall be answered promptly and satisfactorily. (p. 7)

4. Administration (OR-01-1):

a. • See OR-01, 4a, items 2 and 3 regarding duties of the Superintendent of
b. Public Instruction and State Board of Education.

c.
- Application for school license shall be made on forms provided accompanied by: (1) authenticated written recommendations of at least three reputable citizens; (2) bond in the penal sum of $2,500 (see OR-01, 3f); (3) annual license fee of $100; and (4) copy of the current catalog or bulletin.

  The application shall contain: (1) name of the school, its governing body, officials, and faculty; (2) school policy on enrollment, dates, and entrance requirements for each course; (3) school policy relative to standards of progress required of students, including grading system, minimum grades considered satisfactory, conditions for dismissal because of unsatisfactory grades or progress, and conditions for re-enrollment; (4) school policy on student conduct and dismissal; (5) detailed schedule of fees, charges for tuition, registration, and other charges such as student activities, laboratory fees, services charges, rentals, and deposits; (6) policy of the school relative to refunds; (7) description of the available space, facilities, and equipment; (8) course outline for each course, showing subjects or units of the course, type of work or skill to be learned, and approximate time to be spent on each subject or unit; (9) policy relative to granting credit for previous education and training; and (10) certification by an authorized school official. (p. 1)
- Supporting evidence must be submitted in 3b, item 1; 3d, item 1; 3e; 3f; and 3i, all printed materials described, including endorsements.
- Applicants for agents' licenses for resident vocational schools shall be on forms provided containing: (1) full name and address of the applicant; (2) name and address of the school proposed to be represented; (3) educational and college background of the applicant; (4) prior record, if any, as a teacher or salesman for schools or colleges; and (5) past employment record of the applicant. The application shall be accompanied by: (1) three notarized letters of recommendation from reputable citizens personally acquainted with the applicant and well known in the community where he resides; (2) performance bond running to the State of Oregon in the amount of $1,000; (3) license fee; (4) two passport-type photos; (5) copy of the bulletin or catalog of the school which includes rules and regulations, course outlines, and the refund policy; (6) a copy of the enrollment contract used by the school, which shall be approved as to content by the Superintendent; and (7) notarized copy of appointment of attorney in fact.
- Applicants for agents' licenses for foreign vocational or correspondence schools shall be accompanied by: (1) written recommendations of at least three reputable citizens; (2) bond in the amount of $2,500; (3) license fee; (4) copy of the school's catalog or bulletin clearly containing school name and address, name of the executive head of the school, and description of the courses offered; (5) up-to-date list of fees and tuition charged for each course; (6) clearly defined refund policy; (7) requirements for graduation from the course offered; (8) if a portion of the course is offered in residence training, a full description as to location and the training facility, time to be spent in resident training, and additional fees or tuition beyond that charged for the correspondence portion of the course; and (9) copy of the school's enrollment contract.

d. • See OR-01, 4d.

e. • See OR-01, 4e.

5. Enforcement (OR-01-1):

c. • See 3d, item 2 and 3i, item 9, point 2.

OR-03-1

2. Application (OR-03-1):

"[OR-03] provides that certain Oregon private and out-of-State institutions... shall not...confer any degree...without first having submitted the requirements for the degree to the Oregon Educational Coordinating Commission and having obtained the Commission's approval."

"Degree" includes associate and higher degrees, but not certificates or diplomas. (p. 1)

In order to apply for approval, institutions must either be located in Oregon or designate a responsible agent within the state. (p. 2)

Exemptions:

- a. Institutions established in Oregon and conferring degrees for a period of 15 years prior to 4 March 1935.
- b. Public institutions.
- c. Institutions which are members in good standing of the Northwest Association of Secondary and Higher Schools.
- d. Schools conferring degrees only in any methods of healing.
- e. Schools now conferring Doctor of Optometry degrees.
- f. Theological schools offering only graduate degrees. (p. 1)

NOTE: Out-of-state institutions which are of good standing in NASC are not under purview of this Rule; however, the Commission reviews all proposed new postsecondary programs and locations in Oregon. (p. 6)

3. Coverage (OR-03-1):

The following standards shall be used by the Commission:

- a. • Objectives of the institution shall be clearly stated; their implementation shall be obvious in the institution's administration and total student program. Administration shall be such that organization and lines of authority are clearly drawn. See 4c, item 5 for details of required information on institutional administration. (p. 2)
- b. • Special training for a profession or vocation shall be sufficient in extent and quality to insure that professional or vocational duties can be acceptably performed by recipients of the degree.
  - • See 4c, item 4, point 7.
- c. • See 3b, item 2.
  - • Institutions shall validate instructional effectiveness by evaluating students' proficiency in their particular fields of study before granting degrees.
- d. • See 4c, item 5, points 1, 3, and 4, and item 6.
  - • Faculty shall be qualified by training and experience to give effective instruction in their fields. (p. 3)
- e. • Institutional quarters shall provide sufficient instructional space, proper lighting, clean and sanitary conditions, and facilities consistent with institutional functions.
  - • Laboratories, libraries, recreational facilities, gymnasiums, health centers, and instructional materials shall be adequate to an institution of higher learning.

- Library resources shall be adequate to support instruction, research, and services pertinent to the institution's goals.
- See 4c, items 9 and 10.

f. • See 4c, item 5, point 9, and item 8.

g. • See 4c, item 5, points 5 and 6, and item 7, point 1.
- Recruitment and selection policies and practices shall be such as to assure that student abilities and goals are compatible with institutional purpose and standards and that student retention practices are consistent with institutional objectives. (p. 4)
- Entrance requirements shall include graduation from a secondary school or its equivalent or such other requirements as are employed by recognized standard institutions offering similar programs. (p. 5)

h. • The institution shall make known its standards of competence for each program. (p. 3)
- See 4c, item 5.

i. • See 4c, item 5, point 5.
- No institution operating in the state shall advertise that it does or will confer any degree before it receives Commission approval. (p. 5)

j. • See 4c, item 5, point 2.

k. • See 4c, item 5, point 8.

l.

m. • See 4c, item 5, point 6.

n. • See 4c, item 5, point 6.

4. Administration (OR-03-1):

a. • The Oregon Educational Coordinating Commission gives approval to institutions to grant specific degrees, may inspect institutions, and determines if institutions meet standards of these regulations. (p. 2)

b. • The Commission may send a representative or committee to inspect an institution, who shall file a report. The Commission's final action shall be open to the public and the institution shall be invited to attend. (p. 5)

c. • The Commission may require the institution to submit periodic reports. To obtain renewed approval, the institution must initiate the reevaluation process by making application to the Commission for renewal of its authority.
- Institutions must report significant changes within 90 days.
- Institutions shall make application on forms provided. (p. 2)
- With its application the institution shall present a catalog and a brief narrative statement of organization and responsibility for: (1) faculty and staff recruitment; (2) personnel records management; (3) faculty pay scale, profile, and policies; (4) standards and practices for evaluation, improvement of instruction, promotion, retention, and tenure; (5) admissions policies including procedures used to solicit students; (6) development and administration of policies governing rejection and retention of students, job placement, and student counseling services; (7) curriculum requirements; (8) tuition and fee policies; and (9) financial management policies.
- A resumé shall be submitted for each faculty member, including: (1) academic title or rank; (2) degrees held, date, conferring institution, and whether earned or honorary; (3) course assignments and numbers of students in each; (4) nature and time requirements of each non-teaching responsibility, if any; (5) full-time equivalency; and (6) length of

employment at the institution. (p. 3)

- The following data shall be submitted to the Commission: (1) statement of student recruitment, selection, and retention policies; (2) number of applicants, admissions, and enrolled students during the past year, attrition as compared to total school enrollment, and students' reasons for leaving; and (3) distribution of students in each year of school.
- Institutions shall demonstrate financial solvency and stability to the Commission's satisfaction by submitting certified audit reports, adequate bonds, or other appropriate evidence.
- If equipment or facilities are used cooperatively with any other institution, terms and conditions of this should be reported.
- Non-campus and out-of-state institutions shall furnish evidence that provisions are made for faculty and student access to all necessary teaching and learning resources. (p. 4)
- Evidence that library resources are adequate shall include statements of: (1) financial support; (2) circulation; (3) number of volumes; (4) list of periodicals; (5) list of reference books; (6) list of instructional media; and (7) list of special collections. Institutions not maintaining an on-site library shall furnish evidence that provisions have been made for faculty and student access to adequate library services. (pp. 4-5)
- The institution shall also provide any other pertinent information. (p. 5)
- Incorporated applicants shall file with applications copies of their articles of incorporation. (p. 6)

d. • Approval period may not exceed 5 years.
e. • All costs of an on-site evaluation shall be borne by the institution.
f. • The Commission may designate an approval period of less than 5 years. (p. 2)

5. Enforcement (OR-03-1):

a. • The Commission may investigate schools, revoke or deny approval, and hold hearings after proper notice. (pp. 2, 5)
b.

c. • Failure to conform to established standards or to report significant institutional changes within 90 days may lead to revocation of approval. (p. 2)
• If the Commission denies a license after the public hearing for approval (see 4b), the institution may request further hearing.
• After proper notice and hearing, approval may be revoked for cause.
• Any Commission decision may be appealed to the circuit court. (p. 5)
d.

e. • See Section 2, third paragraph.

OR-02

2. Application (OR-02):

   Applies to community colleges.

   Prohibits community colleges from becoming 4-year institutions.

3. Coverage (OR-02):

   a.
      - Community colleges are public educational institutions offering comprehensive programs in academic and vocational-technical subjects, designed to provide terminal 2-year and transitional programs.
      - Each district board shall be responsible for the general supervision and control of community colleges operated by the district, consistent with the rules and regulations of the State Board. (p. 150)

   b.
      - Specific technical and vocational courses should be related to the employment opportunities of the area, state, and nation.
      - Lower-division transfer courses will provide adequate preparation for students to transfer with a minimum of difficulty to 4-year institutions. (p. 144)
      - A community college may give credit for courses or programs taken in a vocational school if they meet standards adopted by the State Board, are approved for credit by the Superintendent of Public Instruction, and are taken at a vocational school domiciled in-state.

   c.
      - A district board, with State Board approval, may award certificates and associate degrees indicating satisfactory completion of a course of study. (p. 157)

   d.
      - Instructors of lower division collegiate courses shall not be required to have teaching certificates, but shall be subject to the approval of the State Board.
      - Until accreditation, a district board shall obtain approval of the State Board of Higher Education before employing instructors to teach courses required to be approved by the State Board. (p. 158)
      - Each district board shall file the adopted personnel policies with the Superintendent. (p. 144)

   e.
      - Each district board may manage and purchase property and control use of the grounds, buildings, books, and equipment of the district. (p. 150)
      - Upon approval of the State Board, a community college may be established for which adequate building space, library, and suitable laboratory or shop space for the courses to be offered are available. (p. 156)

   f.
      - The Superintendent of Public Instruction shall apportion state aid on the basis of full-time equivalent (FTE) student enrollment, as specified, but no district shall receive more than the difference between the operating expenses and the amounts received from student tuition and fees, not including nonresident tuition and federal reimbursements for vocational programs. (p. 161)

   g.
      - Districts shall admit high school graduates who are state residents, other residents capable of profiting from the instruction, and persons who are not district or state residents or citizens if such admission is considered suitable.
      - Districts may contract with other districts to admit students. (p. 158)
      - Any eligible Oregon resident should have the right to attend a community

college even though not a district resident, subject to the right of the governing board to limit class size and give preference to district residents. (p. 144)

h. • Each district board may disseminate information to the public relating to the program, operation, and finances of the community college. (p. 150)

i.

j. • Each district board may prescribe rules for the use and access to public records, student records of grades, conduct, testing, personal and academic evaluations, and faculty records of conduct; personal and academic evaluation shall not be available to public inspection except with the consent of the person or upon court order. (p. 150)

k. • A district may establish a student loan fund and receive such available federal grants or loans. (p. 157)

• The cost of education should be sufficiently low to permit low income students to attend; students should pay an amount sufficient to provide an incentive to profit from the instructional program offered.

l.

m. • Each district board may provide student services including health, guidance, counseling, and placement services. (p. 150)

4. Administration (OR-02):

a.

b. • Before an educational program is commenced at a community college, the board shall apply to the State Board for permission prior to 1 July of the first year in which courses are offered; further course additions, deletions, or changes must be approved by the State Board.

• After receiving the approval of courses for transfer credits from the State Board and after suggesting modifications in the proposed program, the State Board shall approve or disapprove the application of a district. (p. 156)

c.

d.

e.

f.

g. • Until the community college becomes accredited by the Northwest Association, the State Board shall list courses approved by the State Board of Higher Education which will be recognized for transfer credit by all state institutions of higher education. (p. 156)

6. Other (OR-02):

A community college district may contract with a private vocational school to provide educational services when those services meet the standards of the college and the cost does not exceed the cost which would be incurred by the college to provide similar services.

Educational services for which a district may contract do not include services offered by correspondence. (p. 157)

OR-02-1

2. Application (OR-02-1):

Prohibits state financial aid for education courses that are hobby or recreation courses. (p. 6)

Prior to accreditation by the Northwest Association, courses are subject to approval by both the Board of Education and the State Board.

3. Coverage (OR-02-1):

a.

b. ● Occupational courses may be offered in areas where an instructional need exists, consistent with guidelines for curriculum or course approval.
   ● Standards for occupational courses include required or elective components of a curriculum of the institution, courses that provide training to develop abilities and skills needed to enter an occupation and not necessarily for the completion of baccalaureate degree requirements, and courses developed with the advice of employers and employees. (p. 5)
   ● Each course for apprentice training shall include instructional objectives, an outline of course content, and evaluation procedures. (p. 8)

c. ● Minimum associate degree requirements should include total term units, special requirements, and minimum grade average.
   ● State Board authorizes community colleges to award associate degrees in arts, sciences, and applied science.
   ● Each college shall establish standards for granting credit for satisfactory work experience and apprenticeships toward associate degrees; credits earned at any educational institution shall be applied to the requirements of another community college associate degree program. (p. 10)

d. ● Adult vocational instructors are not required to hold a certificate; if the institution receives vocational reimbursement, the instructor shall meet the provisions of the state plan for vocational education. (p. 9)
   ● Pre-service and in-service training shall be available to all apprentice instructors. (p. 10)

e.

f. ● State funds are available for vocational and technical education, lower-division collegiate and other approved education courses. (p. 3)

g. ● Postsecondary occupational courses are intended for those who have left high school and are available for full-time study; this does not preclude enrollment of some students on a part-time basis. (p. 4)

h. ● All courses shall be offered as described in the institution's catalog, curriculum or course prerequisites shall be clearly stated, and degree requirements shall be included. (p. 3)

4. Administration (OR-02-1):

a. ● The State Board authorizes community colleges to award associate degrees. (p. 3)

- The State Department, with the college, will periodically review and update the list of approved courses. (p. 4)

b.
- Approval of courses by the State Department of Education is for state reimbursement purposes.
- Responsibility for obtaining and maintaining required course and curriculum approvals is with the local institution.
- Approval of the curricula or revised curricula will constitute approval of the courses as described in approval requests. (p. 6)

c.

d.
- Course and curriculum approvals will normally continue in effect until the course or curriculum is revised, eliminated, or disqualified because it no longer meets approval criteria. (p. 3)

6. Other (OR-02-1):

Substantiation of the need for an occupational curriculum will be based on an analysis of manpower demand and supply data at the state and/or local level. (p. 5)

OR-02-2

2. Application (OR-02-2):

All instructors shall be subject to approval of the State Board of Education.

3. Coverage (OR-02-2):

a. ● Each institution will establish a policy on instructor selection to include institutional standards for instructor qualifications, procedures for approval, staff development and evaluation, and period of instructor approval. (p. 11)

b.

c.

d. ● Vocational-technical instructors may qualify for approval by meeting certification requirements established by the State Board, through possession of a baccalaureate degree and a background of at least 3 years of work experience in the instructional area, or through successful completion of an appropriate examination.

● Other education instructors may qualify through possession of a master's degree in or closely related to the instructional field, or a baccalaureate degree and 30 graduate hours associated with the field of instruction.

e.

f.

g.

h.

i.

j. ● Each college shall maintain a file for each instructor employed containing all records necessary to support requests for state instructor approval and selection. (p. 13)

4. Administration (OR-02-2):

c. ● Upon request, a college shall furnish the State Department with data pertinent to instructors and staff development activities. (p. 11)

5. Enforcement (OR-02-2):

a. ● The State Board may withdraw approval of any vocational-technical instructor for sufficient cause. (p. 12)

OR-04

2. Application (OR-04):

Applies to the University of Oregon, the state universities and colleges, and the Oregon Institute of Technology.

The State Board is authorized to contract with the Western Interstate Commission for Higher Education to furnish out-of-state educational services to Oregon students (pp. 274-275) and to out-of-state students in Oregon institutions.

Allows the State Scholarship Commission to contract with private accredited colleges and universities for educational services.

Does not include community colleges which are under the supervision of the State Board of Education. (See OR-02.)

3. Coverage (OR-04):

a. ● The State Board of Higher Education may, for each institution under its control, enact rules and bylaws for their government and supervise the general course of instruction.
   ● The State Board shall cooperate with the Oregon Educational Coordinating Commission in the development of a comprehensive education plan and in review of the Board's programs and budget.
   ● The Board shall comply with the decisions of the Commission regarding proposed new postsecondary programs and locations. (p. 263)

b. ● The Board shall specifically determine what courses or departments shall not be duplicated, may direct the elimination of duplicate work, and determine and define the courses of instruction and study and the departments to be offered by each institution. (p. 262)

c. ● The Board may, on the recommendation of the faculty of an institution, confer such degrees as usually are conferred by such institutions.

d. ● The Board may employ presidents and faculty and prescribe their compensation and tenure of employment.

e. ● The Board may control all property, erect and maintain facilities at each institution, maintain cultural and physical development services, and provide student health services.

f. ● The Board shall prescribe for all state-supported institutions a standardized system of accounts and records. (p. 260)

g. ● The Board may prescribe qualifications for admission. (p. 259)

h.

i. ● All advertising and publicity on behalf of all branches of state-supported higher education shall emanate from and bear the name of the Department of Higher Education; it shall present an impartial view of state facilities and the prospects for employment in the fields for which those facilities afford preparation. (p. 261)

j. ● Personal records, containing information kept by the institution concerning a student or faculty member, shall be subject to restrictions on access. (p. 258)

k. ● The Board may prescribe fees for enrollment which shall include tuition for education and general services, and other charges found by the Board as necessary to carry out educational programs. (p. 259)

4. Administration (OR-04):

   a. • The Chancellor of the State Board shall exercise the administrative authority to carry out the policies of the Board. (p. 259)

   b.

   c. • The Chancellor shall submit to the Board an annual operating budget and annual report for all institutions, departments, and activities. The report shall contain the number of enrolled students, degrees conferred, and the new courses added.
      • The Board shall biennially prepare a report to the Governor detailing proposed budget expenditures. (p. 260)

5. Enforcement (OR-04):

   d. • Violation of regulations concerning budgetary matters, advertising, and purchase of real property is a misdemeanor. (p. 275)

6. Other (OR-04):

   Payments to nonpublic institutions for providing nonsectarian educational services to Oregon students shall be determined by the Commission on a uniform rate for every 45 quarter hours of approved and registered course work completed by undergraduate students. The rate shall not exceed the actual cost to the institution. (p. 288)

PENNSYLVANIA

1. Identification:

PA-01

Private Business School Act (Act of July 8, 1949, P.L. 1428 as amended by Act of May 9, 1949, P.L. 990)

Effective date: 9 May 1949

Stated purpose:

Basic effect: Requires private business schools domiciled in-state to be licensed; requires agents soliciting in-state to be licensed; requires out-of-state schools to obtain approval before solicitation can occur in-state; sets a few standards; establishes procedures for licensing and penalties for violations.

Basic coverage: Private non-degree granting

PA-01-1

Rules and Regulations Governing Private Business Schools and Agents

Effective date: 14 March 1969 (with later amendments)

Stated purpose:

Basic effect: Describes detailed standards and procedures for private business schools and agents seeking licensure.

PA-02

College and University Standards (Act of May 7, 1937, P.L. 585, as amended)

Effective date: 7 May 1937

Stated purpose:

Basic effect: Empowers the State Board of Education to prescribe standards and qualifications for all educational institutions entitled to apply to themselves the designations "college" or "university;" requires institutions (except corporations using such terms before this Act took effect) to meet such standards before using such designations, and to present to the Secretary of the Commonwealth a certificate from the Department of Education stating that the institution is entitled to use such designations before the Secretary will approve such a corporate or assumed name. In cases of violation, the Department of Justice may apply to a court of common pleas for an injunction restraining the use of the terms. Violators of the Act may be sentenced to a fine of up to $100, imprisonment up to 30 days, or both.

Basic coverage: Private and public degree and non-degree granting

No further abstract prepared.

PA-03

Excerpts from the Nonprofit Corporation Law, Articles II, III, VII, VIII, and IX (Act of May 5, 1933, P.L. 289, as amended)

Effective date: 5 May 1933

Stated purpose:

Basic effect: Sets standards and procedures for incorporation of degree granting institutions; requires foreign corporations to obtain approval of the Secretary of Education before the State Department will issue a certificate of authority.

Basic coverage: Private and public degree granting (But see Section 2 of each regulation promulgated under this Act for its specific coverage.)

PA-03-1

Title 22, Part I, Subpart C: Higher Education, Chapter 31: General Provisions (PA-03-2 through PA-03-7 are further chapters of this Subpart.)

Effective date: 10 August 1973

Stated purpose: "...to set the minimum standards for the approval of institutions and programs. They are not intended to serve as a constraint on growth or as the ultimate goal." (p. 100)

Basic effect: Requires applicants for approval by the Department of Education to establish need for the institution through an extensive survey; to assure the ability to finance the establishment and operation of the institution; and to administer the institution in accordance with Department standards. Specifies indices of institutional quality which the Department will apply as being clarity and completeness of definition of the institution's task; faculty competence; effectiveness of the program to produce results; resources available, especially library; and responsible control of the institution's governing board and administration by its president. (These apply to PA-03-2, PA-03-4, PA-03-5, PA-03-6, PA-03-7, and PA-03-8 as well.) States that institutions shall at all times be expected to seek appropriate accreditation.

No further abstract prepared.

PA-03-2

Chapter 33: Private Junior Colleges (See PA-03-1.)

Effective date: 10 August 1973

Stated purpose: See PA-03-1.

Basic effect: Describes requirements for administration, academic programs, admissions, and student services and facilities and describes approval procedure for private junior colleges.

PA-03-4

Chapter 37: Associate Programs in Specialized Business and Technology (See PA-03-1.)

Effective date: 10 August 1973

Stated purpose: See PA-03-1.

Basic effect: Describes requirements and procedures for approval of non-degree granting institutions to offer degrees in specialized business and technology.

PA-03-5

Chapter 39: Private Colleges and Seminaries (See PA-03-1.)

Effective date: 10 August 1973

Stated purpose: See PA-03-1.

Basic effect: Describes requirements (in same areas as PA-03-2) and approval procedures for institutions seeking approval as private colleges or seminaries.

PA-03-7

Chapter 43: Private Universities (See PA-03-1.)

Effective date: 10 August 1973

Stated purpose: See PA-03-1.

Basic effect: Describes requirements (in the same areas as PA-03-2) and approval procedures for institutions seeking approval as universities.

PA-04

Chapter 50: Honorary Degrees

Effective date:

Stated purpose:

Basic effect: Requires institutions wishing to award honorary degrees and not having such privilege by charter to petition the Secretary of Education for approval to award such degree(s) in individual cases; prohibits the award of degrees given in courses by approved Pennsylvania colleges and universities as honorary degrees; sets restrictions on the awarding of such degrees to members or former members of the institution's board of trustees, administration, or faculty; requires institution to support selection of candidates for honorary degrees on the basis of meritorious service to mankind; sets procedures for revocation of approval.

Basic coverage: Public and private degree granting

No further abstract prepared.

PA-05

An Act...providing for the powers and duties of the State Board of Education (Act of the General Assembly #224)

Effective date: 18 October 1972

Stated purpose: "...amending the act of April 9, 1929 (P.L. 177)...."

Basic effect: Provides for powers of the State Board of Education, including adopting standards and regulations and adopting policies under which the Secretary of Education shall approve or disapprove: (1) establishment or discontinuance of branches by state-owned, state-related, or state-aided colleges, universities, or community colleges; (2) establishment of new professional schools or upper division programs by such institutions; (3) applications by state-owned colleges for university status or two-year institutions for four-year status; and (4) requests from private institutions of higher education for admission to state-related or state-aided status or for other state financial support. Prohibits all institutions of higher education from proceeding with actions under (1) through (4) without approval of the Secretary of Education.

Basic coverage: Public and private degree and non-degree granting

No further abstract prepared.

PA-07

Act of May 2, 1945, P.L. 401 as amended

Effective date: 2 May 1945

Stated purpose:

Basic effect: Requires private trade schools to be licensed and to agree to submit a bond if the State Board for Vocational Education so requests; establishes a few standards for licensing; establishes licensing procedures and penalties for violations.

Basic coverage: Private non-degree granting

PA-07-1

Rules, Regulations and Standards of Instruction Governing Private Trade Schools, Classes and Agents

Effective date: 15 April 1969

Stated purpose: "...to safeguard and protect the interests of the public...." (p. 1)

Basic effect: Establishes detailed standards and procedures for private trade schools and agents seeking licensure.

PA-08

Act of July 8, 1947, P.L. 1433, Section 3, as amended May 11, 1949, P.L. 1106, No. 327, Section 1

Effective date: 1 June 1949

Stated purpose:

Basic effect: Requires private correspondence schools located in-state to be licensed; requires agents to be licensed; requires private correspondence schools located out-of-state to be approved before agents' licenses will be granted; establishes a few standards for school licensing; establishes licensing procedures and penalties for violations.

Basic coverage: Private non-degree granting

PA-08-1

Rules and Regulations of the State Board of Private Correspondence Schools

Effective date: 1 July 1968

Stated purpose:

Basic effect: Establishes detailed standards and procedures for private correspondence schools and agents seeking licensure.

PA-06

Board of State College and University Directors

Stated purpose: "The colleges and universities shall be part of the Commonwealth System of Higher Education,...[and] shall provide proper facilities for instruction and research in the arts and sciences, humanities, professions, graduate studies, and the instruction...of teachers...subject to any master plan for higher education which may be developed by the State Board of Education." (p. 1)

Basic effect: Establishes in the Department of Education a board to establish policy, conduct planning for and coordinate development of the system of state colleges and universities, and submit recommended budgets for each college.

Basic coverage: Public degree granting

PA-00-1

Chapter 35: Community Colleges

Effective date: Adopted 12 September 1959; amended 19 January 1973

Stated purpose:

Basic effect: States regulations issued under the Community College Act, specifies requirements for academic programs, student services, and tuition; requires facilities to meet standards; and specifies record-keeping and reporting systems.

Basic coverage: Public degree and non-degree granting (2-year institutions)

PA-03-6

Chapter 41: State-Owned Colleges

Effective date: 14 March 1969

Stated purpose: "...to offer a four-year postsecondary educational program and grant baccalaureate degrees; ...or may have a parallel two-year program which grants the associate degree; ...or may have graduate programs culminating with graduate degrees...." (p. 133)

Basic effect: Specifies the administrative organization, the academic programs and requirements for faculty, for student graduation and for admission; describes minimum facilities and student services which shall be available; states that the Department must approve degree programs; and that state colleges must maintain prescribed standards to retain the degree granting privileges.

Basic coverage: Public degree granting

PA-03-8

Chapter 45: State-Owned Universities

Effective date: 14 March 1969

Stated purpose: "The basic functions of the university shall be instruction, promotion of scholarship, preservation and discovery of knowledge, research and service." "The university shall be a multi-unit institution with a complex structure and diverse educational functions...[and] consist of three units... providing for study of arts and sciences at the undergraduate level...and advanced degree programs...." (pp. 150-151)

Basic effect: Authorizes the Board of Trustees to have as its main function the legal operation of the institution; specifies the academic program, student admission requirements, and appropriate facilities; and details the approval procedure for organizations desiring state-owned university status.

Basic coverage: Public degree granting

PA-01

2. Application (PA-01):

"No private business school...shall continue in operation or shall be established within the Commonwealth, unless there is first secured from the board, a license.... No agent shall engage in solicitation within the Commonwealth, unless he shall first be licensed...."

"Within this Commonwealth, no person[s] ...shall advertise in behalf of, or solicit prospective students to enroll in, a school to be established within ...Pennsylvania prior to the establishment of such school unless such person[s] ...shall apply to the board for a license...and shall receive...authorization.... Within this Commonwealth, no person[s]...shall solicit prospective students to be enrolled in a school to be established outside...Pennsylvania prior to the establishment of such school unless such person[s] shall apply for and obtain from the board a license...."

"No person[s]...shall solicit any prospective student...to enroll in a school located within or outside this Commonwealth unless such school has been approved by the board...." (p. 2)

"Private business school" means a residence school conducted for tuition or consideration to prepare individuals to pursue occupations in commercial pursuits and business phases of other occupations for which graduation from a degree granting institution is not required.

Exemptions: (These may choose to apply for or choose to surrender a license issued under this Act.)

a. Junior colleges
b. Schools owned and operated by bona fide religious institutions
c. Classes conducted without fee for employees by employers
d. Schools owned and operated by the Commonwealth of Pennsylvania or its subdivisions (p. 1)

NOTE: See third paragraph of this section regarding out-of-state schools.

3. Coverage (PA-01):

No private business school shall be granted a license unless the following standards (not including referenced items) and the standard described in 4c, item 5, are met:

a.

b. • See 5c, item 2, point 13.

c.

d. • See 4c, item 1, point 5.
   • See 5c, item 2, points 11 and 13.

e. • See 4c, item 1, point 4.
   • Premises, equipment, and conditions of the school are adequate, safe, and sanitary, in accordance with applicable standards. (p. 4)
   • See 5c, item 2, points 9 and 12.

f. ● See 4c, item 1, points 6 and 7.
g. ● See 5c, item 2, point 14.

h. ● The school prominently displays its current approved license where it may be inspected by students, visitors, and Board officials. (p. 4)
i. ● Advertising and solicitation are free from misrepresentations or fraud. (p. 4)

4. Administration (PA-01):

a. ● The State Board of Private Business Schools prescribes rules and regulations and promulgates standards of instruction under this Act, administers this Act, provides application forms, may require further application information if necessary, and may require a bond at its direction.
b. ● See 4c, item 5.
c. ● Before a license is issued to a school, a written verified application shall be made to the Board on forms provided, including statements showing: (1) name of school, owners, and controlling officers, (2) general field of instruction and purposes of such; (3) places of instruction; (4) specific listings of equipment available in each field; (5) qualifications of instructors and supervisors; (6) financial resources available to equip and maintain the school; (7) expression of willingness to provide a surety bond at Board request, to the Commonwealth of Pennsylvania for protection of students' contractual rights; and (8) additional information as the Board deems necessary. (pp. 2-3)
   ● School licenses shall be restricted to fields shown in the application; supplementary applications must be presented for approval of additional fields.
   ● Agents' licenses are restricted to schools shown in the application; supplementary applications must be presented for approval to represent additional schools.
   ● Licenses are not transferable. (p. 3)
   ● Schools shall permit the Board to inspect the school and shall make available to the Board upon request at any time full information pertaining to anything asked in the current application form. (p. 4)
d.

e. ● Original school license fee shall be $50; renewal fee, $25. Agents' license fee shall be $5 per year.
   ● All license fees shall be paid into the General Fund of the State Treasury.
   ● License fees shall not be refunded in case of suspension or revocation.
   ● No fee shall be charged for supplementary applications for approval of new fields or courses.
f.

g. ● The Board shall maintain and make available to the public a list of licensed schools and agents. (p. 3)

5. Enforcement (PA-01):

a. ● The Board has power to refuse, suspend, or revoke licenses.
b.

c.

- Before any school license will be denied or revoked due to fraud or misrepresentation in advertising or solicitation, the school shall be given opportunity to correct the situation, and no discipline shall be imposed unless the school refuses. If the school disagrees with the Board's decision, it may appeal to the common pleas court and no disciplinary action shall be taken by virtue of such appeal. (p. 4)
- Licenses may be revoked if the Board finds that: (1) licensee has violated this Act or Board regulations; (2) applicant or licensee has knowingly presented to the Board false, incomplete, or misleading information; (3) applicant or licensee has pleaded guilty, entered a plea of nolo contendere, or been found guilty of a crime involving moral turpitude; (4) applicant, licensee, or any employee is addicted to the use of morphine, cocaine, or similar drugs or is mentally incompetent; (5) applicant or licensee has failed or refused to permit the Board to inspect the school, or has failed or refused to make available to the Board full information requested pertaining to information contained in an application for license or the program of instruction and related matters; (6) applicant has failed or refused to submit to the Board an application for license; (7) licensed school has failed to display the current approved license as described in 3h; (8) licensed agent has failed to display his license when requested to do so by prospective students or designated officials of the Board; (9) applicant or licensee has failed to provide or maintain premises, equipment, or conditions which are adequate, safe, and sanitary, in accordance with applicable standards; (10) licensee has committed fraud or deceit in advertising the school or in presenting to prospective students information relating to the school, to employment opportunities, or to opportunities for enrollment in institutions of higher learning; (11) licensee is employing teachers, supervisors or administrators who have not been approved by the Board, or agents who have not been licensed by the Board; (12) licensee has failed to maintain adequate premises, equipment, materials, or supplies, or has exceeded the maximum enrollment for which the school was licensed; (13) licensee has failed to maintain adequate standards of instruction or an adequate and qualified administrative, supervisory, or teaching staff; (14) applicant or licensee is unable to provide and maintain financial resources in sufficient amount to equip and maintain the school adequately and effectively; (15) licensee has moved the school into new premises or facilities or has altered or made additions to premises or facilities before notifying and receiving approval from the Board; (16) licensee has offered instruction in subjects which have not been approved by the Board; or (17) licensed agent has solicited prospective students to enroll in a school which has not been approved by the Board and which is not listed on the license issued by the Board. (pp. 4-5)
- Procedures for license refusal, suspension, or revocation shall be those prescribed in the State Administrative Agency Law. (p. 5)

d.

- Any person violating this Act, regulations, or standards shall be guilty of a misdemeanor punishable by a fine of from $50 to $500 or imprisonment not exceeding 1 year or both. If the violator shall be a corporation or partnership, the directors of the corporation or members of the partnership with guilty knowledge of the violation shall be guilty of a misdemeanor punishable as described. (p. 6)

PA-01-1

2. Application (PA-01-1):

Schools within Pennsylvania must be licensed, and schools outside Pennsylvania employing agents to solicit within Pennsylvania must be approved by the State Board of Private Business Schools. (p. 1)

No franchised school shall be licensed nor franchised course approval without prior inspection and approval of the franchise agreement by the Board. See 3f, item 2. (p. 3)

Sections of other applicable laws are cited which deal with operation under fictitious names, building regulations, misrepresentation in advertising, restraint of unlicensed activities, and use of terms "college" or "university.

NOTE: See 3i, items 9 and 10 and first paragraph of this section regarding out-of-state schools.
NOTE: See 4c, item 8 regarding filing of accreditation reports with the Board.

3. Coverage (PA-01-1):

a.

b.
- Not more than 30% of instruction shall be in charge of teachers employed on a part-time basis.
- Minimum time requirements are listed for 23 course areas, and standards relative to course length, entry prerequisites, mastery, and school records of mastery examinations are described for eight course areas. Any other course of instruction requires individual approval by the Board. (pp. 10-12)
- Minimum length of an instruction period shall be 45 minutes.
- Diploma courses shall be offered for at least 36 weeks per year, 5 days per week (except holidays), and 25 clock hours per week.
- Time schedule of certificate courses must be approved by the Board. (p. 14)

c.
- Diplomas may be issued upon completion of recognized approved courses of at least 900 hours in duration. (p. 3)
- See 3b, item 4.
- Certificates of proficiency may be issued to students upon completion of a single subject. (p. 14)

d.
- There must be one full-time instructor for every 35 students.
- Maximum teaching load shall be 35 clock hours per week per teacher, including evening classes.
- Schools employing more than one teacher must designate one teacher as director, who is responsible for all school administrative procedures, and who must: (1) be approved by the Board as a teacher in a major school subject(s); and (2) have had 5 years of teaching and/or administrative experience in a major school subject(s).
- Teachers must: (1) be of good moral character; and (2) possess a valid teacher's certificate for teaching business subjects from the Department of Education or be diploma graduates of approved colleges, universities, or licensed business schools with a major in subjects taught

or possess equivalent qualifications individually approved by the Board. (p. 9)

e.
- School buildings must be approved as safe by specified local or state officials.
- When rooms require heating, temperatures must be maintained at 68-72°F.
- Lighting facilities shall provide adequate light intensity.
- Ventilation must assure a proper supply of pure air and its circulation throughout the building. Direct drafts shall be prevented.
- Separate, properly ventilated toilet and lavatory facilities shall be provided for men and women, with one flush toilet for every 20 females and one flush toilet and two urinals for every 40 males, with at least one lavatory for every 40 pupils in each toilet room.
- Amount of air space per student shall comply with regulations of the Department of Education for public schools.
- Drinking water facilities must be adequate and conform to governmental requirements.
- Dining facilities, cafeterias, kitchens, dormitory facilities, and recreational facilities shall comply with governmental requirements.
- School furniture, equipment, and supplies must be of such type, quality, and amount as to meet Board approval. (p. 7)
- See 3n.

f.
- Licenses, approvals, and renewals are contingent upon applicants filing $10,000 surety bonds to the Commonwealth of Pennsylvania for the contractual rights of students. Bonds shall be in the form the Board requires. (p. 2)
- See 4a regarding Board's power to alter the amounts of a bond.
- If a school operates under a franchise agreement, such agreement shall contain a provision that the franchisor shall not terminate the agreement for reason of default until sufficient arrangements are made to assure the completion of instruction of students to the extent of their prepaid tuition. (p. 3)

g.
- No pupil shall be enrolled in a private business school while attending public secondary school if of compulsory school age unless the business school obtains written permission from the public school principal. (p. 3)
- Special requirements are given for admission into a computer programming curriculum. (p. 11)
- Prerequisite for admission to diploma courses shall be high school graduation or equivalent. (p. 14)

h.
- Enrollment agreements shall contain school refund policy. (p. 6)
- Printed catalog or other information must be specific with respect to prerequisite training requirements, curricula, course content, graduation requirements, tuition and other fees, terms of payment, and refunds and allowances for withdrawals and unavoidable or extended absences.
- See 31, item 1.
- Course titles stated in the catalog and enrollment agreement shall also state total number of instructional hours. (p. 13)
- See 4c, item 1.

i.
- No school official or representative shall solicit any student to leave any class in which that student has enrolled and paid a deposit. (p. 4)
- No owner, officer, employee, or agent acting on behalf of a school shall make any fraudulent, misrepresentative, or misleading statement concerning school operation, course outline, curriculum, premises, equipment, facilities, or opportunities for enrollment in any institution of higher learning, nor guarantee or imply guarantee of employment, conditional or otherwise. (p. 5)

- The words "college" and "university" must not be used in any publication if not authorized by law.
- All publicity shall include the school's licensed name and home address. (p. 12)
- Blind advertisements in help-wanted or other employment columns of newspapers shall not be used.
- Schools shall not advertise or imply endorsement or affiliation with an institution of higher learning for transfer purposes unless such is the fact and the school can prove it. Such advertising is fraudulent.
- Specific wording regarding reference in advertising to licensure or VA approval was given.
- If the school advertises its accreditation, the accrediting agency must be named. (p. 13)
- Agents must: (1) be persons of good moral character; (2) be at least 21 years of age; (3) provide certified information about the school as the Board requires if the school is located out-of-state; and (4) attach a copy of school/agent employment agreements to their applications.
- Agent licenses shall not be granted if the out-of-state school he or she wishes to represent does not maintain educational standards and policies similar to those prescribed in these regulations, or if the school has not been licensed or approved by the Board.
- Licensed or approved schools shall not employ agents within Pennsylvania who have not been licensed by the Board.
- Guarantee or implied guarantee of employment or any certain wage or salary shall not be made by any school, owner, officer, employee, or agent, or through advertising, before enrollment or during or after the course.
- Schools shall not use fraudulent, misrepresentative, or misleading statements concerning the school in any advertising or literature.
- Advertising of price of tuition must state exact course name and number of instructional hours in the course, and these must be in the same size of type in all printed advertising. (p. 13)
- Schools shall not employ unlicensed agents. (p. 14)

j.
- See 3g, item 2. Information concerning student meeting of such requirements shall be retained by the school in its student records. (p. 11)
- Each school must maintain current, complete, and accurate records accessible at all times to the Board. (p. 13)

k.
- Schools shall not offer scholarships, premiums, inducements, or discounts without Board approval.
- Number of scholarships may not exceed one per 25 students and may not exceed a total of 12 per year. (p. 3)
- No scholarship award shall be of a value less than one-half of the tuition. Scholarships may be awarded for the following: (1) most needy and deserving; (2) scholastic achievement in academic ranking; (3) scholastic achievement in business training; (4) service to community; and (5) athletic.
- All scholarship awards shall be determined by an impartial committee of five judges. Awards may also include an alternate recipient.
- Scholarship students shall be subject to all rules and regulations of the school and shall be required to maintain a C+ average during their course of study.
- Termination of a student's affiliation with the school shall forfeit any further rights under the scholarship award.
- All scholarship information and rules shall be published in the school catalog.

- Failure to maintain tuition rates as registered with the Board is grounds for suspension or revocation of the school license. (p. 4)
- Schools may collect tuition for a term (based on hours, weeks, or months) when the term begins, but tuition shall not be paid in advance for a period exceeding 18 weeks or an amount exceeding $750, whichever is less. Advance tuition collected may not exceed $100, and the balance shall not be collected until 2 weeks or less prior to course commencement. (p. 8)
- If student loans or scholarships exceed the current term's tuition or tuition for 18 weeks, the school must deposit the excess in a separate escrow account and not use it except as tuition payments come due. (p. 9)

l. - A nonrefundable registration fee up to $50 is permitted. Details concerning registration and other incidental fees for equipment, books, and supplies shall be stated separately in the school's catalog and in its enrollment contract.
- If a student withdraws after entering, the amount of refund of tuition shall be determined as follows: (1) withdrawal during the first week of any term (not exceeding 18 weeks) shall entitle the student to a refund of 75% of tuition for that term, plus any additional prepaid tuition; (2) during the balance of the first 25% of any term, the student shall be entitled to receive a refund of 55% of tuition for that term, plus any additional prepaid tuition; (3) during the second 25%, the student shall be entitled to receive a refund of 30% of tuition, plus any additional prepaid tuition; and (4) during the last half of the term, the student shall receive no refund of tuition for that term.
- All refunds shall be made within 30 days of termination of student attendance.
- Any student expelled from the school forfeits all claims to a refund.
- When an enrolled student requests cancellation before classes begin or fails to start training, he or she shall be refunded all monies paid, less 15% of the prepaid tuition, or a charge of $100, whichever is less. This does not apply to the $50 nonrefundable registration fee.
- Payment made by a student who dies, or who drops out of school because of bona fide personal illness, shall be refunded upon request. Refund shall be the pro rata share of the amount in excess of the nonrefundable registration fee.
- See 3h, item 1 regarding refund policy in school contracts.

m. - See 3i, items 2 and 12.

n. - Schools shall be required to comply with all statutes, ordinances, and regulations pertaining to their operation, whether federal, state, or local, before licenses will be issued. (p. 2)

4. Administration (PA-01-1):

a. - The State Board of Private Business Schools licenses in-state schools, approves the educational standards and practices of out-of-state schools, approves school equipment and supplies, approves teachers in business schools, approves time schedules of certificate courses, individually approves courses whose content is not specifically referred to in these regulations, and may, on its own judgment, increase or decrease the amount of bond required if number of students enrolled and advance tuition collected so warrants.
- The Department of Education sets standards for public schools, some of which are cited as requirements in these regulations (e.g., air space per student) or meet requirements of these regulations (e.g., teachers' certificates). (pp. 7, 9)

b. • See 4c, item 2.

c. • Each school shall submit as part of its original application a copy of the current or proposed catalog, certified as true and correct in content and policy by authorized school owners or officers, including: (1) catalog data, such as volume number and date; (2) name and address of the school and its governing body and officials; (3) institutional policy regarding enrollments and requirements prerequisite to enrollment; (4) institutional policy relative to withdrawals; (5) institutional policy relative to standards of progress required of the student; (6) schedule of fees, charges for tuition, books, supplies, equipment, service charges, rentals, deposits, all other charges, and specific terms for payment; (7) policy relative to refunds; (8) description of available space, facilities, and equipment; and (9) course outline for each course showing subjects or units in the course, type of work or skill to be learned, and approximate time to be spent on each subject or unit. (pp. 1-2)

- When a licensee proposes to teach a new course for which no criteria exist, it shall provide the Board with an evaluation of the proposed course by at least two competent recognized authorities in the field, which shall satisfy the Board as to merits of the course and its instructional methods. (p. 2)
- Original and renewal applications shall be accompanied by financial reports on forms provided, verified true and correct by school owners. Schools shall provide interim financial reports as the Board requires.
- Content of all courses and classes shall be presented to the Board for consideration and approval. (p. 3)
- Schools desiring to award scholarships shall apply to the Board, stating number, nature, type, and dollar value of awards. (p. 4)
- Detailed schedule of tuition fees and charges shall accompany original and renewal applications, with itemized amounts charged and basis for each, as well as school prepaid tuition plan and deferred or installment payment plan. (p. 5)
- Licenses are not transferable to new owners or new locations; in the former case, new applications must be made; in the latter, new quarters must be approved.
- Schools shall file reports annually as the Board may require, on forms provided, except that schools accredited by the Accrediting Commission for Business Schools may file copies of reports to that Commission if the Commission's forms have been approved. (p. 6)
- Application for approval to teach shall be on forms provided at school owner's request, accompanied by documentation of qualifications. See 3d, item 4. (p. 9)

d. • School and agent licenses shall be renewed annually. (p. 3)

e. • Original school license fee is $50 and is nonrefundable; renewal fee is $25.

5. Enforcement (PA-01-1):

a.

b.

c. • Misuse of scholarship granting privileges granted by the Board may cause revocation of such privilege. (p. 4)

d.

e. • Out-of-state owners shall certify to the Board the name and address of a Pennsylvania resident authorized to accept service of notice or of student legal action. (pp. 2-3)

PA-03

2. Application (PA-03):

"The court [in approving application for charter] in no case shall have power to grant a charter to a college, university, or theological seminary, with power to grant degrees, until the application has been approved by the Secretary [of Education]...." (p. 2)

NOTE: Foreign nonprofit educational corporations must obtain the Secretary's approval before the Department of State will issue a certificate of authority to operate in Pennsylvania. (p. 5)

3. Coverage (PA-03):

No college, university, or theological seminary shall be incorporated with power to confer degrees unless it meets standards in 3d and 3f.

a.

b. • If courses of instruction appear to be sufficient, the Secretary of Education shall approve the articles of incorporation. (p. 2)

c. • Institutions incorporated under this Act shall have power to confer baccalaureate degrees in art, science, philosophy, or literature only upon students who have completed a four-year course. (p. 3)

d. • If composition of the faculty appears to be sufficient, the Secretary of Education shall approve the articles of incorporation.
• Faculty shall consist of at least eight regular full-time professors, or, if the college is devoted to a specific subject in art, archaeology, literature, or science (except medicine or law), shall consist of at least three regular full-time professors and at least two instructors or fellows.

e.

f. • Minimum protective endowment shall consist of at least $500,000, beyond indebtedness and assets invested in buildings and apparatus, for instructional purposes. In case of tax-supported institutions or those maintained by religious or other organizations, financial support or contributed services of equal value may be substituted for such endowment.

g. • If standards of admission to the institution appear to be sufficient, the Secretary of Education shall approve the articles of incorporation. (p. 2)
• Qualifications for admission to four-year courses or classes shall be 4 years of high school preparation or equivalent and shall be subject to standards promulgated by the State Board of Education. (p. 3)

h. • See 4b, item 1.

i. • Procedures for changing the name of an institution are given.

4. Administration (PA-03):

a. • The State Board of Education sets standards and qualifications for degree granting institutions.
• The Secretary of Education certifies that institutions seeking to incorporate as colleges, universities, or theological seminaries with

power to grant degrees meet Board standards. Also see Section 2 NOTE regarding approval needed by foreign corporations.

b. ● Requirements concerning newspaper publication of intent to incorporate are specified. (p. 1)

● Procedures for court examination of incorporation articles, transmittal of same to the Secretary of Education for examination, and return of articles to the court with approval and endorsement or disapproval are described. The Secretary's grounds for approval are listed as being matters mentioned in 3b, 3d, and 3g, and also the educational needs of the institution's locality and the Commonwealth at large. (p. 2)

c. ● Articles of incorporation for this type of institution shall set forth: (1) assets for establishing and conducting the institution; (2) minimum number of faculty; (3) brief statement of requirements for admission to the institution and of its course(s) of study; and (4) information on the carrying out of purposes of a trust instrument, if applicable. (p. 1)

5. Enforcement (PA-03):

a. ● See 5c.
b.

c. ● If any such corporation fails to keep up standards required by this Act, the court shall revoke the power to confer degrees, on recommendation of the Secretary. (p. 3)

6. Other (PA-03):

See 4b, item 2 regarding need.

PA-03-2

2. Application (PA-03-2):

"To be eligible for approval as a junior college, an institution shall meet all applicable requirements of [PA-03]...."

A junior college is defined as an institution offering a full two-year program leading to an associate or other appropriate degree. (p. 103)

See 3n, item 1.

3. Coverage (PA-03-2):

a. • Institutions applying for junior college status shall submit a detailed statement of philosophy. The statement of goals shall set forth what the institution regards as its long-range mission and the statement of objectives shall express the specific means of fulfilling that mission. The statement shall show the total planning of the institution with an indication of future development.
   • The institution's board of trustees shall be responsible for formulation of basic policy, selection of the president, and development of financial resources. (p. 103)
   • Administrative organization of the institution shall reflect relationships among groups and their involvement in its governance. Organizational policies shall indicate the institutional groups which develop and implement such policies and shall be available to all constituent groups.

b. • Curriculum shall have sufficient breadth and depth to provide opportunity for achievement of the institution's stated objectives.
   • At least 20 semester hours shall be in general education. (p. 104)
   • Programs a junior college may offer are: (1) broad general education; (2) programs paralleling the first 2 years in a 4-year institution; (3) technical or semi-professional occupational education; (4) adult education; and (5) upper division program(s) not culminating in a baccalaureate degree when approved by the Department based on several criteria, including need, program adequacy, and evidence of financial support. (pp. 104-105)
   • An academic year shall consist of at least 30 weeks of actual instruction, but innovative calendar arrangements are permissible. (p. 105)

c. • The associate degree shall require a minimum of 60 units. (p. 104)

d. • Faculty shall be sufficient in number to provide instruction required for achievement of the institution's objectives.
   • Generally, minimum teacher preparation shall be the equivalent of one year of full-time graduate work in a state-approved institution. (p. 105)
   • A majority of the faculty shall hold a master's degree or doctorate or equivalent in the field taught.
   • A majority of the staff shall be employed full-time.
   • Exceptions to these provisions may be made only where institutional program and objectives warrant.
   • The student load per faculty member shall be reasonable and consistent with total institutional student-faculty ratio. (p. 105.1)

e. • Library adequacy shall be determined by number of volumes, usage, and appropriateness of collections. Operations and acquisitions of the library shall be budgeted for. The Board will take into consideration proximity of other educational libraries whose usefulness to the institution can be demonstrated, and cooperative library using endeavors with other institutions. (p. 106)

- Laboratories shall be adequately equipped for individual student work and shall reflect a condition in keeping with most recent developments in the area. Financial support for laboratories shall be sufficient to provide necessary equipment appropriate to program levels.
- There shall be adequate classrooms, laboratories, and related academic buildings, student living facilities (if applicable), and recreational facilities to provide an integrated academic and non-academic student program.
- Floor area for classrooms, laboratories, and study spaces shall be comparable to that of recognized similar institutions of quality. (p. 107)

f.
- Financial records consistent with recordkeeping systems of similar quality institutions shall be maintained. (p. 104)
- See 4c, item 2.

g.
- Admission requirements shall be not less than 4 years of academic or high school preparation or equivalent.
- Admission to non-credit courses shall be determined by ability and readiness of the student to profit from instruction. (p. 106)

h.
- Catalogs and announcements shall describe institutional programs accurately. Professional expression and specific content shall be consistent with Departmental standards. (p. 106)

i.

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n.
- For approval as a junior college, an institution, except in unusual circumstances, shall have an enrollment exceeding 200 students. (p. 104)
- There shall be an appropriate program of student services directed toward satisfactory adjustment and successful co-curricular experiences of students, staffed by a sufficient and adequately prepared staff. (p. 106)

4. Administration (PA-03-2):

a.
- The Department of Education appoints visitation committees and approves institutions.

b.
- Institutions shall be subject to periodic visitation at the Department's discretion or upon invitation of the institution. (p. 109)
- Visitation committees shall consist of a Departmental representative and authorities in the areas of the institution to be investigated. The visitation committee shall consider the following aspects of the institution: (1) objectives of the institution; (2) educational programs, guidance techniques, record system, and status of extracurricular activities; (3) potential enrollment; (4) sources and adequacy of financial support; (5) provision made for the necessary administrative, instructional, and maintenance personnel; (6) proposed salary range and qualifications of staff; (7) accommodations and facilities of the institution, including adequacy of the library; (8) plans for growth and expansion

of the educational program, facilities, and financial resources; (9) nature of the institution's community relations; (10) admission and graduation requirements; (11) composition, bylaws, and record of actions of the board of trustees; and (12) need within the community or regional area for the proposed junior college.

- Initial approval shall be provisional. Final approval may be received when the Department believes that the institution has shown sufficient progress and is of educational stature to warrant such approval. (p. 108)

c.
- See 3a, item 1.
- The chartering group shall provide a 10-year projection of available income and expenditures based upon the need and ability to support the institution. (p. 104)
- Private organizations or corporations desiring approval for private junior college status shall apply on forms provided by 1 January of the year in which the institution wishes to begin operation after 1 July.
- During the provisional approval period, annual or more frequent reports shall be sent to the Department. (p. 107)
- Additional degree programs must be approved by the Department and, if applicable, the Department of State.

d.

e.

f.
- See 4c, item 4.
- See 5c, item 3.

5. Enforcement (PA-03-2):

a.
- The court may revoke the institution's degree granting privilege on recommendation of the Department if it fails to maintain standards of these regulations. (p. 108)

b.

c.
- See 5a.
- An institution denied approval may request the Secretary to provide administrative hearings and notice in accordance with the Administrative Agency Law. (p. 109)
- If an institution fails to maintain standards of this Chapter, the court shall revoke the degree granting privilege upon Department recommendation, which shall be made only after the institution has been informed in writing of its weaknesses and given reasonable time in which to restore itself to the level of required minimum standards. (p. 109)

6. Other (PA-03-2):

See 3n, item 1, and 4b, item 1, point 12.

PA-03-4

2. Application (PA-03-4):

"Any institution, licensed, chartered or publicly established, shall be eligible to apply for program approval and authorization to confer this specialized associate degree."

"Degrees" in this chapter mean the "Associate in Specialized Business" or "Associate in Specialized Technology" degree. Curriculum for such degree is designed to prepare a student for occupational employment in an area requiring specialized instruction beyond secondary school education. (p. 120)

NOTE: See 3f, items 2 and 3, regarding different financial evidence required of licensed vs. chartered or publicly established institutions.

3. Coverage (PA-03-4):

a. ● Application for program approval for these degrees shall include a statement of philosophy expressing the institution's attitude toward its responsibility for education in these areas, content and method of instruction, and expected outcomes.
b. ● Objectives shall include occupation-oriented technical or semi-paraprofessional training and shall be stated in specific aims which implement the general philosophy. (p. 120)
   ● Between 60% and 75% of the curriculum shall be in course work in the specialized field and at least 25% in related supporting courses. (p. 120)
   ● Instructional programs shall be at least two academic years with at least 1800 clock hours. (p. 121)
c. ● See 3b.
d. ● Minimum formal education for faculty shall be a baccalaureate degree in the teaching area or appropriate experience.
   ● Teaching load shall not exceed 18 semester credit hours or 35 clock hours per week.
   ● Student/faculty ratio shall not exceed 25:1 except in special circumstances. (p. 121)
e. ● Classroom and laboratory space and equipment shall be sufficient in quality and quantity to serve number of students enrolled.
   ● Instructional services (library, etc.) shall be appropriate in both physical resources and services. (p. 122)
f. ● Financial records shall include an annual audited statement and a budget consisting of standard items depicting sources of income and expenditure.
   ● A licensed institution shall submit evidence that its finances are stable and adequate for program implementation, including indications of continuity of service for the prior 3 years and a 3-year projection.
   ● A chartered or publicly established institution shall provide evidence of program continuity for a projected period of 5 years. (pp. 120-121)
g. ● Requirements for admission shall be not less than 4 years of high school or academic preparation and a demonstrated readiness for instruction in the specialty. (p. 122)
h.
i.

j.
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l.
m.
n. ● Student enrollment shall be sufficient to facilitate realization of the program's educational objectives. Evidence of institutional stability shall be ability to attract and retain students. (p. 121)

4. Administration (PA-03-4):

a. ● See PA-03-2, 4a.
b. ● A visitation team shall visit the institution in order to evaluate readiness to offer the specialized degree program. Upon its recommendation, the Department shall grant or deny approval.
c. ● See 3a and 3f, items 2 and 3.
   ● Institutions requesting specialized degree approval shall apply on forms provided by 1 January of the year in which it wishes to offer a program after 1 July. (p. 122)
d.
e.
f. ● Programs are approved provisionally for 1 year; this may be extended annually for 3 years, at the end of which a program shall be eligible for final approval. (p. 123)
   ● See 5c, item 1.
g. ● If approval is denied, the institution may resubmit its request in a subsequent academic year. (p. 123)

5. Enforcement (PA-03-4):

a. ● See 5c.
b.
c. ● If an institution fails to maintain acceptable standards, the Department may revoke the degree granting privilege, but only after the institution has been informed in writing of its weaknesses and given a reasonable time to restore its program to the level of minimum standards. (p. 123)
   ● See PA-03-2, 5c, item 2.

6. Other (PA-03-4):

See 3n.

PA-03-5

2. Application (PA-03-5):

"To be eligible for approval as a four-year college or seminary an institution shall meet all applicable requirements of [PA-03]...."

"College" means an institution granting baccalaureate degrees. "Seminary" means an institution preparing candidates for the priesthood, ministry, or rabbinate and granting professional degrees to these candidates. (p. 125)

3. Coverage (PA-03-5):

a. ● See PA-03-2, 3a, all items, which also apply to colleges and seminaries.
b. ● Curricula shall provide opportunity for achievement of stated institutional objectives and meet conventional standards current in similar colleges or seminaries.
   ● One-third of total requirements in arts and sciences shall be considered adequate to ensure breadth of program, while depth shall be accomplished by the major requirement. (p. 127)
   ● See PA-03-2, 3b, item 4.
c.
d. ● See PA-03-2, 3d, item 6.
   ● Faculty shall be sufficient in number to provide opportunity for instruction designed to meet all student needs and academic counseling appropriate to the level of instruction.
   ● Education and experience of faculty shall exceed the highest degree offered. Faculty shall teach in fields of their specialized competencies. (p. 127)
e. ● See PA-03-2, 3e, all items.
f. ● See PA-03-2, 3f, item 1.
   ● Institutions shall carry on a continuous financial development program, including appropriate solicitation from their various constituencies. (p. 126)
   ● See 4c, item 1.
   ● See 3n, item 2.
g. ● See PA-03-2, 3g, item 1. In addition, there shall be a demonstrated readiness for college instruction. (p. 128)
h. ● See PA-03-2, 3h.
i.
j.
k.
l.
m. ● When the college is of sufficient size, there shall be professional placement services for graduates. (p. 129)
n. ● Consideration shall be given to research; faculty members with such inclination shall be encouraged by granting of reduced teaching loads, purchase of needed equipment, and granting of or assistance in obtaining needed funds. (p. 128)

- Enrollment shall be sufficiently large to assist substantially in providing solvent operation. Fewer than 400 students may raise the question of the need for the college. (p. 127)
- See PA-03-2, 3n, item 2.

4. Administration (PA-03-5):

   a. • See PA-03-2, 4a.
   b. • See PA-03-2, 4b, both items.
   c. • See PA-03-2, 4c, item 2. In addition, an institution with previous collegiate experience shall provide comparisons of current funds expenditures accounts against current funds revenues accounts for the 5 prior years.
      • See PA-03-2, 4c, all other items, which also apply to colleges and seminaries.
   d.
   e.
   f. • See PA-03-2, 5c, item 3.

5. Enforcement (PA-03-5):

   a. • See PA-03-2, 5a.
   b.
   c. • See PA-03-2, 5c.

6. Other (PA-03-5):

   See 3n, item 2, and PA-03-2, 4b, item 1, point 12.

PA-03-7

2. Application (PA-03-7):

   "To be eligible for approval as a university, an institution shall meet all applicable requirements of [PA-03]...." (p. 142)

   See 3a for definition of "identify of a university."

3. Coverage (PA-03-7):

   a.
   - Basic functions of the university shall be instruction, promotion of scholarship, preservation and discovery of knowledge, research, and service.
   - University structure shall consist of at least three units: (1) one shall provide for the study of arts and sciences at the undergraduate level; (2) one shall provide for advanced degree programs through the doctorate in the arts and sciences, with an adequate number of majors; and (3) one shall provide for graduate level programs such as architecture, business administration, education, engineering, health sciences, law, and social work (doctoral programs need not be offered for initial approval as a university, but plans and expected implementation dates shall have been arranged). Institutions may be exempted from requirements to possess a unit of the first or third type upon special recommendation or approval of the Department.
   - The university shall have a broad cultural foundation, and all units shall draw upon the arts and sciences for basic courses whether or not these are integral parts of professional school programs.
   - Universities should provide cultural facilities and opportunities to the community and utilize similar assets of the community, and have adequate communication with their regional areas and reasonable access to the population area they serve. (pp. 141-142)
   - See PA-03-2, 3a, and 3b, item 1, which also apply to universities.

   b.
   - Curricula shall provide opportunity for achievement of stated institutional objectives, with sufficient depth of specialization and breadth in related supportive areas to promote scholarship. Undergraduate colleges shall meet standards of PA-03-5 (3b, item 2).

   c.
   - See PA-03-2, 3b, item 3.

   d.
   - See PA-03-5, 3d, items 2 and 3.
   - Faculty teaching schedules shall provide adequate time for involvement in research, scholarly endeavors, and counseling assigned students, since research and scholarly aspects are of paramount importance in university teaching. (p. 145)

   e.
   - See PA-03-2, 3e, all items. In addition to requirements of item 2, financial support for laboratories shall provide faculty with adequate opportunity for experimentation, research, and instruction. (p. 147)

   f.
   - See PA-03-2, 3f, item 1.
   - See PA-03-5, 3f, item 2.
   - Institutions shall have sufficient funds to carry on programs of a multi-unit institution. Financial stability shall be determined by comparisons of current funds expenditures accounts against current funds revenue accounts for the 5 prior years.

- See PA-03-2, 4c, item 2.
- Consideration of financial resources shall center on an institution's ability to support the curriculum, total research activities, fulfillment of its stated mission, and the relationship of its resources to its future development. (pp. 143-144)

g. • Admissions standards shall be structured so that they result in selection, admission, and retention of those qualified to accomplish the level of work offered. (p. 145)

h. • See PA-03-2, 3h.

i.

j.

k.

l.

m. • Professional placement services for graduates shall be maintained. (p. 146)

n. • Student enrollment shall be reasonably balanced to provide adequate support for both undergraduate and graduate programs. Enrollment shall be consistent with that of an established group of comparable institutions over the prior 5 years; number and distribution of graduates at each degree level during that period will also be considered in determining minimum size. Student enrollment shall be sufficient to support the breadth of program of a multi-unit institution and assure diversity of intellectual interests and resources, and consistent with stated institutional objectives. (p. 144)

- Institutions shall vigorously and actively support and encourage basic and applied research by faculty and graduate students, and research programs shall be manifested in sponsored, institutional, and faculty research. (p. 145)
- An appropriate program of student services shall be provided by a well-trained staff of adequate size. (p. 146)

4. Administration (PA-03-7):

a. • See PA-03-2, 4a.
b. • See PA-03-2, 4b, both items.
c. • See PA-03-2, 4c, all items. Instead of time requirements of item 3, institutions must file applications one year in advance. (p. 147)
d.

e.

f. • See PA-03-2, 5c, item 3.

5. Enforcement (PA-03-7):

a. • See PA-03-2, 5a.
b.

c. • See PA-03-2, 5c.

6. Other (PA-03-7):

See PA-03-2, 4b, item 1, point 12.

PA-07

2. Application (PA-07):

"Effective [29 November 1945], no private trade school...shall continue in operation or shall be established within the Commonwealth, unless there is first secured from the board a license...." (p. 2)

"Private trade school" means a school conducted for tuition or consideration to prepare individuals to pursue occupations in skilled trades or industries or to give occupational or vocational technical training or training in public and other service occupations (except homemaking) for which graduation from a degree granting institution is not required. (p. 1)

Exemptions: Same as PA-01 except PA-07 also exempts eleemosynary institutions and does not exempt junior colleges.

3. Coverage (PA-07):

No private trade school shall be granted a license unless the following standards and the standard described in PA-01, 4c, item 5 are met.

e. • See PA-01, 3e, item 2. In addition, advertising must conform to Board rules and regulations. (p. 3)
f.

g.

h. • See PA-01, 3h.
i. • See PA-01, 3i.

4. Administration (PA-07):

a. • The State Board for Vocational Education administers this Act and makes and enforces rules, regulations, and standards of instruction under this Act.
  • An advisory committee appointed by the Board makes recommendations on rules, regulations, and standards. (pp. 1-2)
b.

c. • See PA-01, 4c, item 1, which is identical for this document except: (1) "general" in point 2 becomes "specific;" and (2) a requirement is added for a statement showing the maximum enrollment to be accommodated on equipment available in each specific field.
  • See PA-01, 4c, items 2 and 4.
d.

e. • See PA-01, 4e. All provisions apply except that for agents' licenses.
f.

g. • See PA-01, 4g.

5. Enforcement (PA-07):

a. • The Board has power to refuse, revoke, or suspend licenses.

b.

c.
- Licenses may be refused, suspended, or revoked for cause.
- Before any license is refused, suspended, or revoked, the Board shall notify the licensee of reasons for its action and give opportunity for a full hearing before the Board or its representative. Persons aggrieved by Board action may appeal to the county court of common pleas. Appeals shall be heard de novo, and the court shall then affirm, modify, or reverse the Board's action, and its decision shall be final. (p. 3)

d.
- An appeal shall not operate as a supersedeas [to stay] the Board's action unless ordered by the court.
- See PA-01, 5d, which is identical for this document except that regulations and standards are not cited.

PA-07-1

2. Application (PA-07-1):

"A license to conduct a private trade school...or to be an agent will be granted only to such persons...as have complied with the laws...and the rules, regulations, and standards of instruction...." (p. 1)

See PA-01-1, Section 2, paragraphs 2 and 4.

NOTE: Out-of-state schools must be approved in order for their agents to obtain licenses. (p. 3)

3. Coverage (PA-07-1):

a. • If the school's program includes production work, every effort shall be made to avoid unfair competition with private enterprise. (p. 9)

b. • Courses of study shall conform to standards and practices in occupational fields for which they offer training.
   • Weekly instruction shall not exceed 40 hours per student.
   • Courses shall include instruction in hygiene and safety appropriate to the field.
   • Special requirements are given for nursing assistant curricula. (p. 5)
   • See 4c, item 8.

c. • See 3i, item 3.

d. • The director is the person directly responsible for content and method of instruction, qualified and approved instructors, organization of classes, quarters and equipment, and maintenance of proper scholastic records. One person shall be designated as director, and one or more persons as assistant director. The director or assistant director shall be present in the school during hours of operation. They must be high school graduates or equivalent and must have any two of the following qualifications: (1) baccalaureate degree with a major in education or in a field in which training is offered; (2) qualified experience for at least two years in a specific field for which training is offered; (3) two years of successful teaching experience in a specific field for which training is offered; and/or (4) at least one year of actual experience administering a school or in supervisory experience.
   • An instructor must have one or an acceptable combination of the first three qualifications above.
   • A school graduate whose record as a student qualifies such a person to teach the course from which that person graduated may be provisionally employed as an assistant instructor.
   • A qualified student may be employed as a laboratory or shop aide under direct supervision and presence of an instructor.
   • All instructors must be competent to teach the subject(s) which they are employed to teach and must meet the same health and character requirements as teachers in the Pennsylvania Public School System.
   • The maximum pupil-load under the supervision of one instructor shall be limited to a number consistent with sound instruction and must be determined by the Board in every case. A laboratory or shop class may exceed its approved student-instructor ratio up to 50% by employing an assistant instructor, laboratory aide, or shop aide.

- The Board shall have the power to refuse, suspend, or revoke approval of any administrative or instructional staff member if this person: (1) has been guilty or found guilty or not contested guilt in a crime involving moral turpitude; (2) is not of good moral character; or (3) has violated any of the provisions of the Act or regulations.
- Instruction in only one subject shall be conducted by one instructor with one class at any one time.
- See 4c, item 12.

e.
- Specific agencies for approval of buildings from a public safety standpoint were listed for specific areas of Pennsylvania.
- Lighting and ventilation must be adequate for instructional needs.
- Equipment must be suitable for course objectives and adequate in quantity and variety to provide training for the maximum pupil enrollment.
- Equipment, premises, and facilities must be safeguarded according to state government regulations for similar items in trades and industry.
- Equipment shall be maintained in good working order and be updated as required. (p. 4)

f.
- Applicants for licensure or renewal and out-of-state applicants for acceptance for licensure of agents shall file $10,000 bonds for protection of contractual rights of students. The Board may increase or decrease the bond amount at its discretion, but it shall not be less than $2,000. (p. 3)
- School financial resources shall be adequate to fulfill obligations to students. (p. 3)
- See 4c, item 4.
- See PA-01-1, 3f, item 2.

g.
- See 4c, item 7.

h.
- The school's approved weekly schedule of instruction shall be prominently displayed with the license. (p. 5)
- The school catalog shall contain: (1) name and address of school and date of publication; (2) names of administrative staff; (3) calendar of school year or statement of class starting policy; (4) entrance requirements and standards of progress; (5) outline of each curriculum, showing general objectives, major subjects, and clock hours; (6) tuition charges, schedule of fees, and tuition payment plans; (7) policy relative to refunds; and (8) policy relative to granting credit for previous training. (p. 1)
- Course title in the catalog and enrollment contract and advertising of tuition cost must state total number of course hours. (p. 10)
- See 4c, item 2, point 4.
- Enrollment applications must be on forms provided by the school. (p. 9)

i.
- See 3h, item 3.
- The word "engineer" may be used only as an adjective (e.g., engineering drafting, engineer's aide) and must not imply that the school prepares engineers.
- Schools may not indicate that they give other than diplomas or certificates and may not use terms that may be misunderstood as degrees (e.g., associate diploma). (p. 5)
- Licensed schools are responsible for their agents' acts and must familiarize them with this Act and regulations.
- The Board may refuse, deny, or revoke an agent's license for any of the reasons mentioned in 3d, item 7.
- See Section 2 NOTE.
- The term "counselor" or its modifications shall not be used by anyone who solicits students. A definition of "counselor" was given. (p. 8)

- Each school shall use only its licensed name and address. No school shall state in its advertising any tuition or fees in amounts other than those on file with the Board. No school may describe its courses in any manner contrary to its licensed title designations. The word "college" or "university" must not be used unless the school is entitled to use such designation.
- No school or its agents shall advertise or imply that the school is "supervised," "recommended," "endorsed," "accredited," or "approved" by the Board or the Commonwealth of Pennsylvania. Specific allowable wording was given.
- A guarantee of placement for graduates must not be promised or implied before enrollment, during the course, or after course completion. No school shall guarantee any certain wage.
- No person acting on behalf of any school shall make any fraudulent statement, misrepresentation, or misleading statement of fact.
- No school shall solicit students in the help wanted or other employment columns in newspapers nor shall it solicit students through blind advertising.
- No school may advertise that it is endorsed by manufacturers, business establishments, organizations, or individuals unless written evidence of this fact is presented to the Board and approved by it.
- No school shall advertise or use descriptive phrases in the superlative degree. (p. 10)

j.
- Student records shall be retained and subject to Board inspection at any time during operating hours. (p. 4)
- Adequate records of student attendance, experience, scholarship, progress, and conduct must be permanently retained by the school. These must be available to the student and periodic grade or progress reports must be issued. (p. 9)

k.
- See PA-01-1, 3k, all items, which are the same in this document except that provisions excluded are: (1) "scholastic achievement in business training"; and (2) minimum grade requirements. A new provision is that the number of fractional tuition scholarships awarded may not exceed the number of full scholarships awarded. (p. 12)
- See 3i, item 8.

l.
- School refund policy must equal or exceed in the student's favor the following: (1) enrollment fee shall be separately stated and any non-refundable portion shall be 20% of the total course cost or $75, whichever is less; (2) if an enrolled student requests cancellation before scheduled classes begin or fails to start training, he or she will be refunded all monies paid in excess of the non-refundable portion of the enrollment fee; and (3) if a student enters training and withdraws prior to completion, the school may retain the earned tuition plus the lesser of 15% of the total course cost or $150 in addition to the non-refundable portion of the enrollment fee. Earned tuition shall be computed on a weekly basis, with any portion of a week's attendance considered as a full week.
- A school shall make appropriate refund within 30 days of the date that the student fails to enter or terminates training. (p. 11)
- No school shall agree to provide part-time employment as inducement for enrollment. (p. 9)

m.
- See 31, item 3.
- See 3i, item 10.

n.
- Schools shall not exceed their maximum approved enrollment.
- See 3j, item 2 regarding requirement for issuance of grade or progress reports.

4. Administration (PA-07-1):

a.
- Powers of the State Board of Private Trade Schools include: (1) issuing licenses to in-state schools; (2) issuing licenses to agents; (3) approving out-of-state schools for issuance of licenses to their agents; (4) regulating schools; (5) making regulations and setting standards of instruction; (6) determining bond amounts; (7) determining maximum enrollments; (8) approving applicants for teaching and administrative positions in schools; (9) approving the franchise agreement of schools so operated; and (10) approving school scholarship award plans. (From the whole document.)
- Reference is made to other agencies whose approval of school name or facilities is required by or satisfies Board requirements. (pp. 3, 4, 7)
- See 4b, all items.

b.
- The Board may submit applications to an advisory committee of experts for review. (p. 2)
- The Board may require course evaluation or inspection of school premises, facilities, and equipment by a committee of experts. (p. 4)
- See PA-01-1, 4c, item 2.
- The Board may appoint a competent examining committee to give tests to determine competency of instructors. (p. 7)

c.
- See PA-01-1, 4c, item 2.
- Each applicant for school license shall file an application on forms provided describing proposed school plans and policies including at least: (1) proposed course(s) of instruction; (2) administrative and instructional staff and their qualifications; (3) type of ownership and financial responsibility; (4) copy of enrollment contract which must include the tuition payment schedule and refund policy; (5) description of available space, facilities, and equipment; (6) certification of any fictitious name registration; and (7) school catalog in rough draft which shall include information described in 3h, item 2. (p. 2)
- Schools must present evidence of payment of bond premium for each renewal period.
- Applicants for school licensure or approval, either original or renewal, shall file financial reports verified by the owner under notary seal or CPA signature. Interim financial statements may also be required.
- New owners must submit new applications in full before undertaking school operation.
- The Board must be notified of changes in school location or discontinuance of operation in any location, and these must be approved before operations begin or terminate.
- Applicants must file certified statements that students will be required to produce bona fide health certificates prior to enrollment in any course which provides training in an occupation for which a specific state of health is required. (pp. 3-4)
- Each curriculum shall be outlined in detail, showing major subjects, clock hours for each, entrance requirements, and occupational objectives. All shall be evaluated by the Board.
- Daily and weekly schedules of instruction must be approved.
- Course offerings are restricted to those approved.
- Changes in content or discontinuance of courses must be approved. (p. 5)
- Qualification forms stating training, experience, and employment record of all directors, instructors, and aides must be filed and approved.
- The Board must be notified if staff members or agents resign or are dismissed. Agents' licenses must be returned.

- Agent applications shall include: (1) relevant information concerning the school on forms provided; (2) three letters of reference; (3) written statement from the school that it desires to employ the applicant; and (4) copy of agent employment contract. (pp. 6-7)
- Schools shall make available to the Board on request any and all pertinent information concerning school operations. (p. 9)
- If the school wishes to use the designations "college" or "university," it must submit a certificate from the Department of Education certifying that it is entitled to do so. (p. 10)
- Schools must furnish the Board their tuition schedules, prepaid tuition plans, and refund policies. (p. 11)

d.
- School and agent licenses expire yearly on 30 June.

e.
- Original and renewal school license fees shall be $200 (or $100 if submitted after 1 January); original and renewal agent license fees shall be $5.
- License fee shall be refunded if the license is denied.
- No fee shall be charged for supplementary applications for approval of additional fields of instruction. (pp. 2, 8)

5. Enforcement (PA-07-1):

a.
- The Board may refuse, suspend, or revoke licenses, impose duties, and provide penalties. (p. 1)
- See 5b and 5c, item 3.

b.
- Upon complaint or violation, the Board shall have the right to set a hearing date after it completes its investigation.

c.
- See 5a and 5b.
- See 3d, item 7, and 3i, item 5.
- Failure to comply with this Act and regulations shall result in such action by the Board as is warranted under the circumstances. (p. 9)
- If scholarship privileges are misused, the Board may revoke them. (p. 12)

d.

e.
- See PA-01-1, 5e.

PA-08

2. Application (PA-08):

"No private correspondence school shall continue in operation or shall be established within the Commonwealth, unless there is first secured from the Board, a license.... No...agent of any school located outside or within the Commonwealth shall solicit applications for students for such school, unless such...agent is licensed by the Board...." (pp. 2-3)

See PA-01, Section 2, second paragraph, which is substantially duplicated in this Act; "established" becomes "located" and the final reference to "license" becomes a reference to "agent's license."

"Private correspondence school" means a privately owned and operated school conducted for tuition or consideration to provide systematic instruction by correspondence in any field of study. (p. 1)

Exemptions: Same as PA-01 except does not exempt junior colleges and does exempt correspondence schools having no definite sites in Pennsylvania; provides that such exemptions do not affect provisions of this Act requiring agent licensing. (See also 3i, item 2, point 6.) (p. 2)

NOTE: Correspondence schools located outside Pennsylvania must be approved by the Board before licenses will be granted to agents thereof. (See further details in 4c, item 5.) (p. 5)

3. Coverage (PA-08):

No private correspondence school shall be granted a license unless the following standards and the standard described in PA-01, 4c, item 5 are met.

a. • See 4c, item 1, point 7.
b. • See PA-01, 5c, item 2, point 13.
c.
d. • See 4c, item 1, points 3, 4, and 5.
 • See PA-01, 5c, item 2, points 11 and 13. Wording of point 13 is changed in this Act to include "including correction service." (p. 7)
e. • See 4c, item 1, point 3.
 • See PA-01, 5c, item 2, point 12. Wording in this document omits reference to "premises" and to "maximum enrollment." (p. 7)
f. • See 4c, item 1, points 6 and 8.
 • See PA-01, 5c, item 2, point 14.
g.
h. • See PA-01, 3h.
i. • Advertising and representations made by anyone representing the school as agent shall be free from misrepresentation or fraud. (p. 4)
 • Agents shall: (1) be 18 years old or older; (2) be of good moral character; (3) bear reputations for honesty and fair dealings; (4) be otherwise competent to act in such manner as to safeguard the public interest; (5) not have been convicted of any felony or of a misdemeanor involving moral turpitude; and (6) be certified by a correspondence school licensed in the Commonwealth as its duly qualified agent.

j.

k. ● See 4c, item 1, point 7.

4. Administration (PA-08):

   a. ● See PA-01, 4a, which is identical for this Act except that agency is the State Board of Private Correspondence Schools.

   b.

   c. ● Before a license is issued to any correspondence school, a written, verified application shall be made on a form furnished by the Board, requiring statements showing: (1) name of the school, owners, and controlling officers; (2) specific fields of instruction and purposes of such; (3) specific listing of the equipment and staff available for properly administering courses; (4) maintenance of an adequate correction service; (5) qualifications of instructors and supervisors; (6) financial resources available; (7) agreement to abide by reasonable service and business ethics prescribed by the Board; (8) expression of willingness to provide at Board request a bond in a reasonable amount to the Commonwealth of Pennsylvania conditioned for protection of students' contractual rights; and (9) additional information as the Board deems reasonable. (p. 3)
      - ● See PA-01, 4c, items 2, 4, and 5.
      - ● Each school shall have a separate license. (p. 3)
      - ● The owner or president and secretary of the correspondence school shall file with the Board a statement that to the best of their knowledge matters in 3i, item 2 are correct. (p. 4)
      - ● Agents of out-of-state schools will not be licensed until an application, fee, and certified information the Board deems necessary to establish agent qualifications and school adequacy have been filed. (p. 5)

   d. ● School and agent licenses are valid from 1 July to the next 30 June. (pp. 4, 5)

   e. ● See PA-01, 4e, all items.

   f.

   g. ● See PA-01, 4g.

5. Enforcement (PA-08):

   a. ● See PA-01, 5a.

   b.

   c. ● See PA-01, 5c, item 2, which is identical for this document except that references to school facilities are deleted: points 9 and 15 are omitted; point 12 omits the word "premises" and provision related to maximum enrollment; and point 13 includes the phrase "including correction service."
      - ● See PA-01, 5c, item 3.

   d. ● See PA-01, 5d.

PA-08-1

2. Application (PA-08-1):

See PA-01-1, Section 2, paragraphs 1, 2, and 4, which are identical in this document except that the Board is the State Board of Private Correspondence Schools. (pp. 1-3)

3. Coverage (PA-08-1):

a.

b.
- Schools shall maintain adequate scholarship standards, encourage regularity and promptness in submission of lessons, and evaluate instructional effectiveness by use of modern measuring devices.
- Schools shall furnish equipment, aids, and assistance to assure individual progress, including individual assignment and work sheets, individual instruction sheets and assistance, progress tests, and progress reports.
- Schools shall use educational methodology applicable to the character and scope of their subjects and shall organize and plan learning activities in a manner conducive to effective retention and application of learning.
- Schools must insure prompt, accurate, and beneficial correction with their own correction staffs.
- Instructional materials shall be current, accurate, comprehensive, and written at an appropriate reading level, and shall include in each lesson instruction on how to proceed with lessons, how to study, and how to apply material learned. (p. 6)

c.

d.
- One person shall be designated as administrator or supervisor, who shall be responsible for the overall instructional program and maintenance of a competent staff and whose administrative duties shall be his or her primary obligation. (pp. 3-4)
- Technically competent personnel must interpret lesson and test results to students indicating further study required. (p. 6)
- All school owners, officers, and employees shall be free from addiction to use of alcohol or drugs and shall not be weak-minded or mentally incompetent. (p. 10)

e.
- School plant and facilities must be approved by appropriate inspection agencies as adequate, safe, sanitary, and in compliance with state and local fire, health, safety, and sanitation requirements.
- Equipment, supplies, and materials must be satisfactory, adequate in type, quality, and amount, suitable for use in courses offered, and must meet fire, health, safety, and sanitation statutes and ordinances. (p. 3)
- See 3b, item 2.

f.
- See PA-07-1, 3f, item 2. In addition, bond amounts shall be subject to review annually if pretuition collected by a school warrants it. (p. 2)
- See PA-01-1, 3f, item 2. In addition, if franchise agreement is terminated, the franchisee shall not enroll students or accept tuition payments beyond the effective date of termination. (p. 3)

g.
- See PA-01-1, 3g, item 1.

- Schools shall endeavor to ascertain that pupils have general ability or previous training or experience essential to a reasonable chance of success in the course. (p. 9)

h.
- See 4c, item 2.
- Enrollment contracts shall be specific and accurate regarding: (1) fees or charges, including registration, tuition, service, books, supplies, equipment, and deposits; (2) prepaid tuition plan; (3) installment tuition plan; (4) cancellation and refund policy; (5) time allowed for completion; (6) subjects and courses; (7) school services; and (8) student obligations. (p. 9)
- See PA-01-1, 3h, item 2, which is identical in this document except that refund policy is not mentioned. (p. 7)

i.
- See PA-07-1, 3i, items 4, 9, 10, 12, and item 8, which is identical except that it omits provision relating to advertising of tuition. (p. 7)
- No person connected with a school shall represent that it is endorsed by institutions of higher learning unless this is so and a copy of such endorsement is filed with the Board.
- No school shall make fraudulent or misleading statements or misrepresentations concerning any phase of its operation.
- See PA-01-1, 3i, items 10 and 15.
- See 4c, item 11.
- Agents shall display their licenses on request. (p. 9)
- See 3d, item 3.
- See 3k, item 1.
- No person shall solicit students for a school before it is licensed.

j.
- Student records must be kept in the school office where training originated at all times. (p. 4)
- Schools shall maintain current, complete, and accurate student financial reports.

k.
- Schools shall not collect any tuition or charge and shall not advertise or state such until these are filed with the Board.
- Schools may not offer scholarships or discounts without Board approval; the same course must be offered to all students for the same cost at the same time.

l.
- Every case of student withdrawal must be given careful consideration, and schools must provide justification for procedures for retention of any unearned tuition or fees and non-refundable registration fees.
- Refund amounts, excluding the non-refundable registration fee, shall be: (1) if written cancellation by certified mail is made within 72 hours of contract execution, all monies shall be returned; (2) within 90 calendar days following enrollment, 75% of full contract price will be refunded; (3) between 90 and 180 calendar days following enrollment, 50% will be refunded; and (4) after 180 days, no refund will be made. (p. 5)

m.
- See PA-07-1, 3i, item 10.

4. Administration (PA-08-1):

a.
- Powers of the State Board of Private Correspondence Schools include: (1) licensing in-state schools, (2) approving out-of-state schools for licensure of in-state agents; (3) licensing agents; (4) changing amount of bond required; (5) approving franchise agreements; and (6) approving scholarships or discounts.
- Reference is made to other agencies whose approval of school name or facilities is required by or satisfies Board requirements. (pp. 3, 5)

b.
- See PA-01-1, 4c, item 2.
- The Board may make reasonable investigation of any applicant for an agent's license as it deems necessary before issuing a license. (p. 8)
- School and student records, premises, facilities, and equipment shall be subject to inspection at any time during operating hours. (pp. 4-5)

c.
- See PA-01-1, 4c, item 2.
- See PA-01-1, 4c, item 1, which is identical for this document and requires in addition: (10) description of school examination and correction service; and (11) certified accountant's financial statement or verification by owner and additional financial statement when so ordered.
- Licensed schools shall report their enrollment of Pennsylvania students with each license renewal.
- See PA-07-1, 4c, item 3.
- Certificates of approval as to fire, health, safety, and sanitation ordinances and statutes must be filed. (p. 3)
- Separate licenses are required for each school branch.
- Schools shall file with original and renewal applications schedules of their tuition and fees, the basis for charges itemized as to tuition, registration, supplies, book fees, and other charges. Prepaid or deferred tuition payment plans must be filed. (pp. 4-5)
- See 31, item 1.
- Schools may offer only courses they are licensed to offer. (p. 6)
- See 3i, item 3.
- Copies of catalogs and all promotional literature must be filed with the Board. (p. 7)
- Agent license applications must furnish all relevant information required by the Board, including that related to character, integrity, and previous experience by means of three responsible references other than current employer, and agent employment agreement. (p. 8)
- New owners must submit new applications in full, and schools may not be operated until new license is granted. (p. 10)

d.
- All licenses expire annually on 30 June.

e.
- Original school license fee is $50, renewal is $25; agent license fee is $5. No fee shall be charged for approval of out-of-state schools.
- Fees shall be refunded if licenses are denied. (pp. 2, 8)

5. Enforcement (PA-08-1):

e.
- See PA-01-1, 5e.

PA-06

2. Application (PA-06):

Applies to state colleges and state universities.

Reserves general administrative duties to the president of each college or university.

3. Coverage (PA-06):

a. • The Board of State College and University Directors shall recommend to the State Board of Education approval or disapproval of applications by state colleges for admission to university status.
   • The Board shall coordinate development among the colleges with respect to the role and scope of each, including size, curriculum emphasis, degree programs, and to recommend the approval of new colleges. (p. 2)
b.
c. • The board of trustees of each state university shall grant, subject to the approval by the Board of State College and University Directors, bachelor degrees for successful completion of prescribed undergraduate courses of study, master's and doctoral degrees for successful completion of prescribed graduate courses of study, as well as other degrees recommended by the trustees and approved by the Board. (p. 7)
   • The Board shall review degree programs requested by each university. (p. 3)
d. • The Board shall develop rules for faculty appointments, salary schedules and benefits, and establish policies regarding employment rights, promotion, dismissal, and tenure. (p. 3)
   • Each president, subject to Board and trustee approval and standards, shall appoint staff and fix salaries. (p. 4)
e. • The Board shall recommend to the State Board of Education the establishment of branch or extension campuses. (pp. 2-3)
   • The Board shall approve or disapprove all university building projects involving the use of state funds.
f. • The Board shall annually submit and recommend operating and capital budget requests of each institution to the Secretary of Education.
   • Each president shall determine from available funds, expenditures to be made for services and equipment. (p. 4)
g. • Each president shall define academic standards and admission standards in accordance with Board regulations. (p. 5)
   • Each board of trustees makes policies for the admission and expulsion of students, and for the courses of instruction conducted by the university. (p. 7)
h.
i.
j.
k. • The cost of room, board, and fees shall be fixed by the Secretary of Education upon the Board's recommendation. (p. 5)

4. Administration (PA-06):

b. • Each board of trustees shall conduct an annual physical inspection of facilities and make recommendations to the Board of Directors. (p. 6)

PA-00-1

2. Application (PA-00-1):

Applies to community college system.

3. Coverage (PA-00-1):

a.
- Each community college board of trustees shall appoint a president as the chief executive and educational officer.
- Each board of trustees shall file with the Department a statement of philosophy outlining its purposes and objectives and including a 10-year development plan. Subsequent revisions shall be updated and filed every third year. (p. 110)

b.
- Each semester or trimester shall include not fewer than 15 weeks of instruction, and the minimum number of weeks shall not constrain innovative calendar arrangements.

c.
- Each community college is authorized to award associate degrees in the arts, sciences, technologies or general education, or certificates upon completion of an approved program.
- The associate degree shall require a minimum of 60 semester credits. (p. 112)
- Standards of grading and qualifications for graduation shall be established by each board of trustees. (p. 113)

d.
- Full-time faculty members shall constitute a majority of the total full time equivalent (FTE) faculty employed. (p. 112)

e.
- Specifications for all physical facilities shall be approved by the Department and meet applicable fire, safety, building, sanitation, heating, lighting, and ventilating standards and codes. (p. 114)

f.
- State financial support shall be computed, as specified, on the basis of FTE students and per student operating cost. (Full time students are enrolled for 12 or more credits.) (p. 116)

g.

h.
- Each college shall file its official catalog and other necessary documents with the Department one month prior to the beginning of each academic year. (p. 112)

i.

j.
- Academic records shall be maintained for all students, under appropriate standards of confidentiality. Each student shall be granted the right to reasonable access to his files. (p. 113)
- Official accounts and supporting data shall be retained for 3 years or until a state fiscal audit has been made. (p. 119)

k.
- The tuition shall be fixed by each board of trustees by apportioning among enrolled students not more than one-third of the budgeted annual operating costs of the college.
- Trustees shall adopt policies to classify resident and non-resident students for tuition purposes. (p. 113)

l.
- The deadline for withdrawal of students with partial tuition refunds shall be the end of the third week of each semester or trimester; the end of the second week of each quarter; or at the end of 20% of scheduled instruction for other special sessions. (p. 114)

4. Administration (PA-00-1):

c. ● Each college shall submit annual budget information on a Department-specified form and schedule, using an approved accounting system. (p. 118)

PA-03-6

2. Application (PA-03-6):

   Applies to state-owned 4-year postsecondary institutions (state-owned colleges).

3. Coverage (PA-03-6):

   a.
   - An institution applying for state-owned college status shall submit a statement of philosophy, setting forth the long-range mission, objectives, and planning for future development to meet state educational needs. (p. 133)
   - Each college shall be legally operated by a board of trustees, responsible for formulating policy.

   b.
   - The curriculum shall meet the conventional standards current in similar 4-year institutions; one-third of the total course requirements in the arts and sciences shall be considered adequate to ensure breadth of program; depth shall be accomplished by the major requirement.
   - An academic year shall consist of class sessions of at least 30 weeks and this minimum shall not constrain innovative calendar arrangements. (p. 133)

   c.

   d.
   - The faculty shall be sufficient in number to provide instruction to meet student needs and academic counseling appropriate to the level of instruction.
   - Faculty shall teach in fields of their specialized competencies. (p. 135)
   - The education and experience of faculty shall exceed the highest degree offered.
   - The teaching load shall be arranged to enable faculty to engage in instructional responsibilities, administrative planning and necessary guidance; the schedule shall reflect a reasonable student load consistent with the total institutional student/faculty ratio. (p. 136)

   e.
   - The adequacy of the library shall be determined by the appropriateness of collections, number of volumes and usage, and the budget shall provide for the maintenance of the library both in acquisition and operation.
   - Laboratories shall be adequately equipped for individual work and reflect conditions consistent with recent developments. (p. 137)
   - There shall be adequate classrooms, laboratories, related academic buildings, and student living and recreational facilities to provide an integrated academic and non-academic program. Floor areas for classrooms and laboratories shall be comparable to recognized similar institutions. (p. 138)

   f.
   - Financial records shall be maintained consistent with recordkeeping systems of similar recognized quality institutions and compatible with state accounting requirements.
   - Records shall be audited as provided by the Public School Code. (p. 134)
   - A previous collegiate institution (applying for state-ownership) shall provide a comparison of current funds and expenditures against current revenues for the 5 years prior to the request. (p. 135)

   g.
   - Requirements for admission to an approved program leading to either an associate or baccalaureate degree shall not be less than 4 years of high school preparation or its equivalent, with a demonstrated readiness for college instruction.

h. • The catalog and all announcements shall accurately describe the present or planned programs; the specific content of the catalog shall be consistent with standards prescribed by the Department. (p. 136)

i.

j.

k.

l.

m. • There shall be an appropriate program of student services with sufficient staff adequately prepared to provide student services.
- When the college is of sufficient size to warrant it, there shall be professional placement services for its graduates. (p. 137)

4. Administration (PA-03-6):

a. • A public or private organization, agency, or corporation desiring approval for state-owned college status shall submit a formal application to the Department, prior to a visitation to the institution.

b. • A visitation committee appointed by the Department and qualified as authorities shall consider the objectives of the institution, the educational programs, guidance techniques, record system, potential enrollment, source and adequacy of financial support, provisions for necessary and qualified personnel, adequacy of facilities, admission and graduation requirements, and the need for the institution. (pp. 138-139)
- Additional degree programs not originally approved may be instituted only after receiving Department approval. (p. 139)
- To maintain quality, each institution shall be subject to periodic visitations. (p. 140)

c. • The initial approval as a state college shall be provisional. Annual reports shall be sent to the Department by the institution.
- Final approval may be given when the Department has evidence of educational stature to warrant approval.

5. Enforcement (PA-03-6):

c. • If a state-owned college fails to maintain prescribed standards, the court, upon the recommendation of the Department, shall revoke the degree granting privilege after the institution has been informed in writing of its weaknesses and given reasonable time to achieve required minimum standards. (p. 139)

d. • An institution denied final approval may request the Secretary to provide administrative hearings and notice in accordance with the appeal procedures of the Administrative Agency Law. (p. 140)

6. Other (PA-03-6):

The enrollment shall be sufficiently large to provide a sound finanicial and academic operation and fewer than 400 students may raise the question of need for the college. (p. 135)

PA-03-8

2. Application (PA-03-8):

Applies to state-owned university system.

To receive final approval as a state university, an institution must attain regional accreditation. (p. 158)

3. Coverage (PA-03-8):

a.
- A state-owned institution applying for university status shall sumbit a detailed statement of philosophy, including a statement of goals and objectives regarding its long-range mission and how plans for future development fulfill state needs. (p. 151)
- Each board of trustees shall have as its main function the legal operation of the institution, including formulation of basic policy, selection of the president, and use of financial resources. (p. 152)

b.
- The curriculum shall provide the opportunity for the achievement of the stated objectives. Undergraduate colleges of the institution shall meet the standards prescribed in Chapter 41, State-Owned Colleges. (See PA-03-6.)
- An academic year shall consist of class sessions of at least 30 weeks or the equivalent; the minimum number of weeks shall not constrain innovative calendar arrangements. (p. 154)

c.
- University status is not a prerequisite to granting graduate degrees, either at the master's or doctoral level. Standards for granting graduate degrees are stated in Chapter 47. (p. 150)

d.
- Faculty shall be sufficient in number to provide the opportunity for instruction to meet student needs and academic counseling appropriate to the level of instruction.
- Faculty shall teach in fields of their specialized competencies.
- Faculty in undergraduate colleges shall have education and experience beyond the level of instruction offered; faculty offering graduate and professional instruction shall, in most instances, have experience and professional accomplishment supplementing the attainment of the highest degree.
- Teaching schedules for faculty shall provide adequate time for research and counseling students. (p. 154)

e.
- Library adequacy for all programs shall be determined by the appropriateness, number, and usage of volumes, with a budget which shall provide for acquisition and the operation of the library. (pp. 155-156)
- Laboratories shall be adequately equipped for individual work, and sufficient financial support shall be provided.
- There shall be adequate classrooms, laboratories, related academic buildings, and student living and recreational facilties to provide an integrated program for all students. Floor area of facilities shall be comparable to recognized similar institutions of quality. (p. 156)

f.
- Financial records shall be maintained consistent with recordkeeping systems of recognized quality institutions and compatible with state accounting requirements. (p. 152)
- Records shall be audited as provided by the Public School Code of 1949.

• Institutions shall have sufficient funds to carry on programs of a multi-unit institution. Financial stability shall be determined by comparing current expenditures against revenues over the 5-year period prior to request for university status. (p. 153)

g. • Admission standards shall be structured to result in the selection, admission, and retention of those qualified to accomplish the work of programs offered.

h. • Catalogs and announcements shall accurately describe institutional programs. The contents shall be consistent with prescribed Department standards. (p. 155)

i.

j.

k.

l.

m. • There shall be an appropriate program of student services provided by a well-trained staff of adequate size, including professional placement services for graduates. (p. 155)

n. • Student enrollment shall be sufficient to support programs of a multi-unit institution at all levels. (p. 153)

4. Administration (PA-03-8):

a.

b. • A public or private organization or corporation desiring approval for state-owned university status shall submit a formal application to the Department of Education, one year in advance.

• A visitation committee shall consider the institution's objectives, educational and guidance programs, record system, potential enrollment, sources and adequacy of financial support, staff salaries and qualifications, facilities, admission and graduation requirements, and the need for the proposed institution. (p. 157)

• Additional degree programs not originally approved may be instituted only after Department approval. Any degree not originally approved shall require Department approval.

• To maintain quality, each institution shall be subject to periodic visitations at the discretion of the Department or upon invitation of the institution. (p. 158)

c. • Annual reports, or more frequent if requested, shall be sent to the Department by the institution.

d. • A state university may receive final approval when the Department feels it has shown sufficient progress, has the educational stature to warrant approval, and has attained regional accreditation.

e.

f. • Initial approval as a state university shall be provisional. (p. 158)

5. Enforcement (PA-03-8):

a.

b. • An educational institution denied final approval may request the Secretary to provide administrative hearings and notice in accordance with the appeal procedures of the Administrative Agency Law.

c. • If a state-owned university fails to maintain standards prescribed by this Chapter, the Board, upon the recommendation of the Department, shall revoke the degree granting privilege of the institution. Such a recommendation shall be made only after the institution has been informed in writing of its weaknesses and given reasonable time to achieve the required standards. (p. 158)

VIRGINIA

1. Identification:

VA-01

Title 22, Chapter 15.3, Sections 22-330.17 through 22-330.35 -- Code of Virginia (The Certificating of Certain Proprietary Schools and the Issuing of Agents' Permits)

Effective date: 1970; amended 1976

Stated purpose:

Basic effect: Requires proprietary schools to obtain certificates of approval to operate and requires agents or solicitors representing local or out-of-state schools to obtain permits.

Basic coverage: Private non-degree granting

VA-01-1

Official Rules and Regulations Governing the Issuing of Certificates of Approval to Certain Proprietary Schools and the Issuing of Agent Permits

Adopted: August 1970; amended 1972, 1974, 1976

Stated purpose:

Basic effect: Sets additional information requirements, commitments, standards, and procedures for obtaining certificates of approval and agents' permits.

VA-04

Section 23-8.1 -- Use of "college" or "university" in official title or business; Section 23-9 -- Conferring college degrees

Effective date: 1970

Stated purpose:

Basic effect: Requires educational institutions to obtain approval to confer college degrees and prohibits the use of specific terms in an institution's title unless it grants degrees.

Basic coverage: Public and private degree granting

VA-04-1

Standards for Specialized Institutions

Effective date: February 1970

Stated purpose: "...to provide the basis for the evaluation of institutional efficiency and effectiveness, chiefly in relation to an institution's own goals and purposes, and in relation to those principles and practices which have been listed and found effective at other institutions...." (p. 1)

Basic effect: Sets standards in nine areas for specialized institutions seeking to award the associate degree.

VA-04-2

Standards for Community Colleges and Junior Colleges and Procedures for Community and Junior Colleges in Applying for State Approval

Effective dates: April 1969 and September 1970

Stated purpose: Same as VA-04-1.

Basic effect: Sets procedures and standards in nine areas for community and junior colleges seeking approval for conferring associate degrees.

VA-04-3

Standards for Four-Year Colleges and Procedures for Four-Year Colleges in Applying for State Approval

Effective dates: April 1969 and September 1970

Stated purpose: Same as VA-04-1.

Basic effect: Sets procedures and standards in nine areas for four-year colleges seeking approval.

VA-05

H 1961 -- An act...relating to out-of-state institutions of higher education offering courses in this State and private institutions offering continuing education programs...

Effective date: July 1977

Stated purpose:

Basic effect: Requires institutions offering continuing education to register these courses; requires out-of-state institutions offering courses or degree programs in Virginia to register and obtain authorization.

Basic coverage: Public (out-of-state) and private degree granting

VA-03

Code of Virginia, Volume 5: Title 23, Chapter 1.1 -- State Council of Higher Education for Virginia

Effective date: 1 July 1975

Stated purpose: "The purpose of the Council shall be...to promote the development and operation of an educationally and economically sound, vigorous, progressive, and coordinated system of higher education in the State...." (p. 1)

Basic effect: Creates the State Council of Higher Education for Virginia as a coordinating council for state-supported institutions of higher education to plan and recommend institutional missions, programs and facilities, to prepare and submit budget requests, and to provide advisory services to private, accredited, and nonprofit institutions.

Basic coverage: Public degree and non-degree granting

VA-06

Chapter 679 -- State Board for Community Colleges

Effective date: 1 July 1966; includes amendments of 1970, 1972

Stated purpose: Creates the "...State Board for Community Colleges...[which]... shall be responsible...for the establishment, control, and administration of a State-wide system of publicly supported comprehensive community colleges." (p. 2)

Basic effect: Transfers the control and government of postsecondary educational programs in existing area vocational and technical schools from the State Board of Education to the State Board for Community Colleges.

Basic coverage: Public degree and non-degree granting (2-year institutions)

VA-01

2. Application (VA-01):

"...it shall be unlawful for any school...to be operated in this State without having...been issued a certificate of approval...." (p. 4)

"...every agent or solicitor representing any school...whether located in this State or outside...shall make application for a permit...." (p. 10)

"Schools" include trade or technical schools, business schools, correspondence schools, and schools for the handicapped. (pp. 1-2)

Exemptions:

The chapter shall not apply to any of the following:

a. Schools for which there is a licensing board which issues licenses to either the school, the teachers, or both
b. Schools conducted by a firm solely for training its own employees
c. Courses given by organizations for which no tuition is charged
d. Accredited degree granting institutions authorized by the Virginia Council of Higher Education or a similar agency in the home state and secondary schools which may offer courses covered by this Chapter, provided the tuition and other charges made are collected by the institution's regular officers in accordance with prescribed rules and regulations
e. Tutoring of five or less given as a supplement to regular classes of students enrolled in any public or private school
f. Schools in dance, art, song, musical instruments, or fine arts which are conducted solely to increase artistic talent, appreciation, or development
g. Schools offering religious instruction exclusively
h. Programs through which handicapped persons are provided employment and training in simple skills in a sheltered environment (pp. 2-3)

A permit is not required of an owner of a school or of any person soliciting at the admissions office of the school.

NOTE: The Board of Education may provide that certification by other accrediting agencies may justify the certification of a school without the submission of certain information required by this Chapter and without inspection. Information requirements that may be relaxed are indicated thus (*) in Section 4c.

NOTE: See 3a, 3e, 3h, 3i, 4b, and 4c for special provisions applicable to correspondence schools.

3. Coverage (VA-01):

a.
- All applications for a certificate of approval shall contain a commitment to conduct the school in accordance with all standards, rules, and regulations which may be established by the Board of Education.
- See 5c, item 1, point 12 regarding use of students in commercial activities.

b.

c.

d.
- See 4c, item 1, points 5 and 6.
- See 5c, item 1, point 8.

e.
- See 4c, item 1, points 3 and 4.
- All applications for a certificate of approval shall contain a commitment to maintain all premises, equipment, and facilities in an adequate, safe, and sanitary condition. (p. 6)
- See 5c, item 1, point 5.

f.
- Surety bonds payable to the State of Virginia shall accompany applications for certificates of approval. Amounts of bonds are based on student enrollment. A minimum bond of $5,000 is required for a maximum enrollment of 50 students. Schools with over 451 students require a bond of $50,000. Between these figures, bond amounts increase in steps of $5,000 for an increase in enrollment of 50 students. (pp. 5-6)
- See 4c, item 1, point 7 and item 3.
- See 5c, item 1, point 8.

g.

h.
- See 4c, item 1, point 8.
- All applications for a certificate of approval shall contain a commitment to prominently display the current certificate where it may be inspected. (p. 6)

i.
- See 4c, item 1, point 9 and item 6.
- All applications for a certificate of approval shall contain commitments to (1) advertise free from misrepresentation, deception or fraud, and conform to rules and regulations of the Board in advertising; and (2) to reasonably see that all representations made by agents meet the standards listed above. (p. 6)
- See 5c, item 1, points 4, 7, and 8.
- See 5c, item 4 regarding revocation of agents' permits.

j.

k.
- See 4c, item 1, point 8.

l.

m.

n.
- See 4c, item 1, point 5 regarding maximum enrollment.
- See 5c, item 1, point 10.

4. Administration (VA-01):

a.
- The Board of Education issues certificates of approval after inspection of the school by the Department of Education. The Department issues agents' permits. After holding public hearings, the Board shall make rules and regulations for the management and conduct of all schools. The Board shall appoint as many advisory committees as necessary to recommend rules and regulations for carrying out the purposes of this Chapter, including the development of programs of instruction. The committees shall be composed of representatives of schools and the public. (pp. 3-4)

b.
- A school shall be qualified to receive a certificate of approval after an inspection of its facilities by the Department, and approval of the inspection report by the Board. (p. 4)
- All applications for a certificate of approval shall contain a commitment to permit the Board to inspect the school or its classes at any time. (p. 6)

c. ● For certificates of approval, schools shall file verified applications on forms furnished by the Board setting forth: (1) title of school and names of owners, controlling officials, and managing employees; (2) specific fields, subjects, and courses offered and specific purposes of instruction; (3) location of instruction, description of the physical, safety, and sanitary facilities, and copy of deed, lease, or other legal instrument; (4*) specific listing of equipment in each field; (5*) maximum anticipated enrollment in each field and ratio of students to instructors; (6*) educational and teaching qualifications of instructors and supervisors in each field; (7) financial resources available to equip, maintain, and operate the school; (8*) the form and content of enrollment agreement and the method of collecting and refunding tuition; (9*) copies of all advertising; (10) surety bond; and (11) any additional information deemed necessary. (pp. 5-6)

- ● Certificates of approval are not transferable. (p. 4)
- ● All applications for a certificate of approval shall contain a commitment to make available, upon request, all information on the institution's activities that are required for the administration of this Chapter, including its financial condition. (p. 6)
- ● Certificates are restricted to listed courses. Supplementary applications are required for approval of additional fields or courses.
- ● See 5c, item 1, point 11.
- ● Applications for permits shall state the name of each school represented, shall be verified under oath, and shall be accompanied by the recommendation of three reputable persons certifying that the applicant is truthful, honest, and of good reputation and recommending that he or she be issued a permit. Separate permits are required for each school represented. (p. 10)

d. ● Certificates and permits are renewed annually.

e. ● The fee for an original certificate is $50; renewal is $25. No fees are charged for supplemental applications.

f. ● The fee for an original permit is $5; renewal is $1. (pp. 7, 10, 11)

g. ● The Board shall maintain a list of schools holding valid certificates which shall be available to the public and published in the Virginia Education Directory. (p. 10)

5. Enforcement (VA-01):

a. ● The Board of Education may revoke, suspend, or refuse to renew certificates and shall hold hearings on such actions. (pp. 7, 9)

- ● The Department of Education may suspend or revoke permits and shall hold hearings. (p. 11)
- ● See 5b.

b. ● The Board may, upon its own motion, investigate the actions of anyone claiming to hold a certificate. Upon the verified written complaint of anyone setting forth facts which, if proved, would constitute grounds for refusal, suspension, or revocation, the Board shall investigate the actions of anyone claiming to hold a certificate. (p. 9)

c. ● The Board may refuse to renew or may revoke or suspend certificates for: (1) willful violation of this Chapter or the Board's rules and regulations; (2) furnishing false, misleading, or incomplete information to the Board or failing to furnish information requested;

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* See the first NOTE in Section 2.

(3) willful violation of application commitments; (4) presenting to prospective students by the school or agent of false, misleading, or fraudulent information about the school, employment opportunities, starting salaries, or possibility of receiving academic credit from higher education institutions for training offered; (5) failing to provide or maintain premises or equipment in a safe and sanitary condition as required by law, regulation, or ordinance; (6) making false promises through solicitors or advertising which are likely to induce enrollments; (7) paying any person for acts violating this Chapter; (8) failing to maintain financial resources adequate for the satisfactory conduct of instruction offered or to retain a sufficient or qualified instructional staff; (9) conducting instruction that has not been approved; (10) demonstrating unworthiness or incompetency to conduct a school in any manner not calculated to safeguard the interests of the public (sic); (11) failing within a reasonable time to provide information requested by the Board as a result of a complaint; (12) attempting to use or employ any enrolled students in any commercial activity whereby the school receives any compensation without reasonable remuneration to the student except when the activity is necessary to training and authorized by the Board; (13) engaging in conduct which constitutes fraud or dishonest dealings; or (14) attempting to confer any degree in violation of VA-04. (pp. 7-8)

- Before holding a hearing on failing to renew, suspending, or revoking a certificate, the Board may grant time to correct an unsatisfactory condition. If this is done, no further action shall be taken.
- Before refusing to renew or before suspending or revoking any certificate, the Board shall conduct a hearing. Appeals may be made to the Circuit Court of the City of Richmond. (p. 9)
- The Department may suspend or revoke any agent's permit for: (1) willful violation of this Chapter or its rules and regulations; (2) presenting students or parents with false, misleading, or fraudulent information on the school or making false or misleading representations concerning employment opportunities or the possibility of receiving credit at higher education institutions for courses offered by the school; (3) failure to display a current and valid permit upon request; or (4) failure to provide information requested by the Department as a result of a complaint. Procedures for hearings on appeals of decisions regarding revocation, suspension, or failure to renew permits are the same as those for certificates. (p. 11)

d.

- Bonds shall be conditioned to protect the contractual rights of students. (p. 5)
- The filing of an appeal of the Board's decision (see 5c) shall not automatically stay the effect of the opinion. (pp. 9-10)
- Any owner who opens a school without a certificate shall be guilty of a misdemeanor punishable by a fine of between $100 and $500, 6 months imprisonment, or both. Each day of operation is a separate offense. (p. 10)
- All contracts with an agent who does not possess a permit and any nonnegotiable note taken by such an agent shall be recoverable from the agent or the school. (p. 11)

VA-01-1

The provisions of VA-01 are repeated in VA-01-1. Only new provisions are abstracted.

2. Application (VA-01-1):

Representatives of a school participating in high school career day or college day programs specifically and only to explain their school's programs are exempted from securing an agent's permit.

NOTE: See Section 3 for special requirements for correspondence schools.
NOTE: See 4c, item 8 for special requirements for out-of-state schools.

3. Coverage (VA-01-1):

Standards applicable to correspondence schools are indicated thus (*). As far as applicable, other rules and regulations also apply. Correspondence schools that require terminal residence training as part of their programs shall comply with appropriate rules and regulations pertaining to facilities and staff. (p. 20)

a. • The certificate application shall contain the commitment to conduct the school in an ethical manner at all times.
b. • The certificate application shall contain the commitment to conduct all courses in accordance with outlines approved by the State Department of Education. (p. 6)
• The course of study must conform to state, federal, manufacturing, or trade standards of training where these have been adopted by the Board of Education. Where no standards exist, programs must conform to recognized training practices. Where the Board has no fixed standards, it may use consultants to determine them. (p. 7)
*• Educational objectives shall be clearly defined, simply stated, and achievable through correspondence study.
*• Courses are sufficiently comprehensive, accurate, and up-to-date; educationally sound materials and methods are used to meet announced objectives. (p. 20)
c.
d. • An administrator or director of a school shall be a graduate of an accredited college or have at least 2 years of appropriate occupational or teaching experience. The Board may make exceptions.
• Instructors shall be graduates of an accredited college or a certificated proprietary school with a major in the subject area taught or have 24 months of occupational or teaching experience in the appropriate trade.
• Instructors must be competent to teach their courses. The Board may use consultants to determine an instructor's qualifications. (p. 6)
e. • See 4c, item 1, point 3 and item 8, points 6 and 7.
• All facilities must comply with state and local ordinances regarding such things as fire, safety, sanitation, and health. (p. 7)
f. • See 4c, item 1, point 8 and item 8, point 3.
• For bonding purposes, the school shall count its total current enrollment as of the date of the application or the largest enrollment in the

preceeding 12 months, whichever is greater. Schools just organized shall use maximum projected enrollment which is subject to adjustment 60 days after classes start. (p. 8)

g.

h.
- Agents shall display their permits when requested.
- See 3k, item 2 and 4c, item 8, point 5.
- Catalogs of out-of-state schools furnished with applications for agents' permits shall include: (1) identifying data (date and volume number); (2) name of institution and governing body, officials, and faculty; (3) calendar showing holidays, beginning and ending dates of each term, and other pertinent dates; (4) policies regarding absences, class cuts, make-up work, and tardiness; (5) policies on enrollment dates and entrance requirements; (6) schedule of tuition, fees, and all other charges; (7) refund policy; (8) description of space, facilities, and equipment; (9) synopsis of each course, type of work or skill to be learned, and approximate clock hours to be spent on each unit; and (10) policies for granting credit for previous training. (p. 15)
- A school's application for admission shall be in writing on a form separate from any other document.
- Any contract between a school and a student shall be separate and apart from the application for admission and must clearly outline the obligations of both the school and student. (p. 17)
- See 3l, item 5.

i.
- Every school shall have a permanent and distinct name which shall appear on its certificate application and shall not be changed without first securing approval of the State Department of Education. The name shall not violate VA-04. (p. 4)
- Each school shall be responsible and liable for the acts of its agent(s) and must familiarize them with VA-01 and these rules and regulations. (p. 13)
- See 4b, item 2 and 4c, item 7 regarding requirements for agents' permits.
- If agents prepare and/or publish advertising materials, the school accepts full responsibility for their contents. (p. 14)
- No agent is permitted to use a title which misrepresents his duties and responsibilities.
- No agent shall violate standards applying to advertising and promotional materials. (p. 14)
- See 4c, item 8, point 8.
- Each school shall use its complete name and address for all advertising.
- No school may advertise that is is supervised, endorsed, or any other similar term, by the Board, Department, or State of Virginia. A school shall not imply that its certificate represents an endorsement of any course of study. Specific language for referring to certificates is given.
- No one shall advertise or represent that the school is endorsed by institutions of higher learning unless this is true and a copy of the endorsement is filed with the Board.
- A guarantee of placement shall not be promised or implied. Employment or a specific salary shall not be guaranteed.
- A school shall not advertise for enrollment in "help-wanted" or other employment columns.
- Printed catalogs or other literature must be specific and accurate with regard to prerequisite training for admission, the curricula, course content, graduation requirements, tuition and all other charges, and the specific terms for payment of tuition and other fees.

- A school shall not make any fraudulent or misleading statement about any phase of its operation. (p. 19)
- Schools holding a franchise to offer specialized courses not provided by other schools shall not advertise these courses so as to impugn the value and scope of courses offered by other schools. Advertising of special courses offered under franchise shall be limited to courses covered by the franchise.
- Illustrations shall not be used so as to convey a false impression about the school.
- Schools shall not use endorsements by students except with their consent and without offer of compensation. Endorsements shall be kept on file by the school.
- No school may advertise that it is endorsed by manufacturers, businesses, organizations, or individuals engaged in the work for which it provides training unless written evidence is presented to the Board and permission is given.
- The accrediting agency must be named if accreditation is mentioned. (p. 20)

j.
- See 4c, item 1, point 9.
- The certificate application shall contain the commitment to maintain current, complete, and accurate student records which shall be accessible at all times to the Board and shall include, in addition to other information, records of payments made, attendance, units of work completed, and skills developed. (p. 6)
- See 3i, item 17 regarding endorsements.

k.
- See 4c, item 1, point 9.
- Where agents collect money for enrollments, they shall give the applicant a receipt and a copy of the enrollment agreement. (p. 14)
- An application for enrollment is not binding on the pupil. (p. 17)

l.
- All fees except the registration fee (see 3l, item 2) and extra expenses (see 3l, item 8) shall be refunded if the student is not admitted.
- The school may require a reasonable nonrefundable registration fee of up to $100 provided it issued a receipt and retains a signed statement from the student acknowledging understanding of nonrefundability. (p. 17)
- When enrollment is cancelled in writing prior to the start of classes, the school is required to refund all tuition except 15% of the stated course price up to $100.
- A student will be terminated by the school no later than 7 days after the last day of attendance. The student may terminate earlier by written notice effective on the date of receipt by the school. The school may require notice by registered or certified mail if so stipulated in the enrollment contract and may require parents to submit notices for minors.
- Schools must make refunds within 30 days after receipt of request.
- A student who enters but withdraws during the first quarter of the course is entitled to a refund of at least 50% of stated course price; in the second quarter, at least 25%. After completing half the course, the student is not entitled to a refund.
- Fractions of course completion shall be determined on the basis of the amount of time in the course (hours, quarters, semesters, etc.) as stated in the catalog, or correspondence lessons completed.
- It is not required that extra expenses such as those for supplies, tools, activities, etc. be considered in refund computations, provided they are represented separately in the contract, catalog, or other source before enrollment. (p. 18)

m.

n.
- See 4c, item 2.
- The franchise agreement of schools offering franchise courses shall contain a provision that the franchise shall not be terminated by the franchisor unless satisfactory arrangements have been made to complete the teaching of students. (p. 9)
- * The school provides adequate examination services, encouragement to students, and attention to individual differences. (p. 20)

4. Administration (VA-01-1):

a.
- The State Department of Education approves courses according to standards approved by the Board of Education. See 3b, item 2. (pp. 6-7)
- The Department staff have the authority to approve additional fields, subjects, and courses. (p. 9)
- See 4b.

b.
- The State Department shall make an inspection of the school plant and facilities. The Board must approve them. (p. 7)
- The Department may make any necessary, reasonable inspection of an applicant for an agent's permit.

c.
- The following information shall be submitted as part of the application for a certificate: (1) name of school and names of owners, controlling officials, and managing employees; (2) specific fields, subjects, and courses offered and the specific purposes of instruction; (3) location of instruction including reports from the appropriate government agencies indicating that fire safety standards, building code standards, and sanitation requirements have been met; (4) copy of the deed or lease; (5) listing of equipment for each field; (6) maximum anticipated enrollment and student-teacher ratio; (7) educational and teaching qualifications of instructors and supervisors; (8) financial resources (the Department may require a certified audit); (9) current student enrollment agreement, schedule of tuition and fees, copies of student record forms, and procedures for collecting and refunding tuition; (10) copies of all advertising; (11) surety bond; and (12) additional information as necessary. (pp. 4-5)
- The certificate application shall contain the commitment to submit to the Department, in the event of school closure, a list of students who have not completed their programs as well as the amount of tuition paid and the amount of course completed. (p. 6)
- A change of location must be reported to and approved by the Department prior to the move.
- Certificates are not transferable. An original certificate must be obtained prior to the change of ownership. The school shall not be conducted under new ownership until the new certificate is approved. (p. 7)
- Schools planning to offer franchised courses shall have their franchise agreements inspected and approved.
- Applications for renewal shall include a current financial statement, fire inspection, and schedule of tuition and fees. (p. 9)
- Applications for agents' permits shall include the recommendations of three reputable persons certifying the applicant as truthful, honest, and of good reputation and recommending that a permit be issued. (pp. 13-14)
- Permits may be issued to agents of out-of-state schools if the school submits: (1) a written request for a permit; (2) school catalog;

(3) financial statement showing capital investment, assets, liabilities, and proposed operating budget; (4) complete details of ownership showing corporate organization and officers with addresses or partnership agreement; (5) student enrollment application; (6) copies of inspection reports regarding fire, building, and sanitation requirements; (7) copies of deed or lease; (8) copies of all advertising used by the agent; and (9) other information as deemed necessary. (pp. 15-16)

5. Enforcement (VA-01-1):

a.
- Authority is granted to staff of the Department of Education to investigate complaints from individuals and other sources concerning violations, and to conduct hearings on behalf of the Board of Education in the case of deficiencies against a school or agent. (pp. 11-12)
- Any alleged violation of VA-01 shall be referred to the Commonwealth's attorney of the appropriate city or county.

b.
- See 5a, item 1.

c.
- A certificate shall be immediately returned to the Department by registered mail upon revocation; change of location, ownership, or name; voluntary closure; termination of bond; or any other cause deemed sufficient by the Board. (pp. 7-8)
- A certificate may be revoked or suspended or renewal may be denied for willful violation of bonding requirements or failure to comply with all applicable laws promulgated by any state outside Virginia in which the school is soliciting students. (p. 11)
- See 5a, item 1. After a hearing, Department staff shall report to the Board and make a recommendation. (p. 12)
- An agent's permit may be suspended or revoked for failure to comply with laws of a state outside Virginia in which the agent is solicting. (p. 16)

d.
- See 5a, item 1.
- Promissory notes or contracts for tuition or fees sold to third parties must comply with the refund policy. See 31, all items. (p. 19)

e.
- An application must be certified as true by an authorized official of the school. (p. 3)
- Application commitment shall be verified under oath. (p. 10)

VA-04

2. Application (VA-04):

"No educational institution...shall confer any college degree...unless...[it]...has been approved for such purpose by the State Council of Higher Education...."

"No person...or corporation...shall...use or publicize the terms 'college' or 'university'...in its title...unless such person...or corporation awards an associate, baccalaureate, graduate or professional degree...." (p. 10)

Except:

- a. Institutions of higher learning accredited by the State Board for granting of college degrees or having applications pending prior to 1 July 1968 (for the first prohibition)
- b. Institutions specifically authorized by an act of the General Assembly (for the first prohibition)
- c. Persons or corporations using "college" or "university" in their official title prior to 1 July 1970 (for the second prohibition) (p. 10)

3. Coverage (VA-04):

i. • See Section 2, second paragraph.

4. Administration (VA-04):

a. • The State Council of Higher Education approves institutions to grant degrees. (p. 10)

5. Enforcement (VA-04):

d. • Any person conferring degrees without approval shall be punished by a fine of between $100 and $1,000. Each degree is a separate offense.
- Any person violating the prohibition concerning the terms "college" or "university" shall be similarly punished. Each day is is a separate offense. (p. 10)

VA-04-2

VA-04-1, VA-04-2, and VA-04-3 contain many of the same provisions. VA-04-2 contains the major content and is placed first and abstracted in full. Abstracts for VA-04-1 and VA-04-3 follow, containing only provisions unique to each. Sections in VA-04-2 that are not included in either of the other two are indicated.

2. Application (VA-04-2):

NOTE: An institution may, in lieu of completing the State Council of Higher Education application form, forward a completed copy of the Status Study Report submitted to the Southern Association of Colleges and Schools. (Not included in VA-04-1.)

NOTE: See 4d, items 3 and 4 concerning specific provisions regarding accreditation.

3. Coverage (VA-04-2):

a.
- Each institution should clearly, concisely, and specifically define its purpose and incorporate this into its statement of role in the field of education to serve as the basis of planning and evaluation.
- The administrative organization of an institution should bring together its various resources and coordinate them effectively to accomplish its objectives. Administrative organization and lines of communication should be well defined, be understood by the entire college community, and provide for adequate communication.*
- Factors to be considered in assessing the effectiveness of the governing board are method of selecting members, terms of service, frequency of meetings, functions of board and committees as spelled out in by-laws, actions, and extent of concentration on broad policy matters rather than administrative detail. The board should have appropriate continuity and independence.* (p. 2)
- The main administrative pattern of most institutions would include general administration,* academic administration, student personnel administration, financial administration, and administration of special activities. (pp. 2-3)
- *● Faculty should participate in development of academic policies; there should be adequate communication among faculty and between faculty and administration. (p. 6)
- *● In complex institutions there should be a faculty senate which meets regularly to deal with academic concerns. (p. 7)
- *● Faculty should participate in library book selection. There should be an academic committee responsible for library policy. (p. 8)

b.
- Programs should be designed to achieve the institutional purpose and the program clearly related to the purpose. (pp. 2-3)
- *● There should be a clearly defined process by which the curriculum is established and controlled, spelling out the roles of the governing board, administration, and faculty. Communication and control should be clearly established. (pp. 2-3)
- *● The scope and nature of the curriculum should be in keeping with avail-

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* These items, or the underlined portions thereof, were not included in VA-04-1.

able financial and academic resources.

- * Effort will be made to avoid proliferation of course offerings and degree programs.
- * There should be a recognizable common core of subject matter that expresses the educational philosophy of the institution.
- * In each degree program, there should be an orderly and identifiable sequence of courses with an appropriate system of prerequisites. There should be a clear definition of what is meant by a major with stated minimum and maximum hours. Provisions should be made for electives.
- * The institution should be prepared to give a rationale for core and specialized courses.
- * Instruction should be related to the objectives of each course, the needs and capabilities of students, and the general standards of quality. Instructional process should be organized so that students have a clear idea of the aims and requirements of each course and the methods of evaluation employed.
- Consideration will be given to the extent syllabi are kept current for all courses. (p. 4)
- Special activities will be evaluated as integral parts of the total educational program. (p. 10)
- See 3n, item 1.

c.
- The relationship between the purposes of the institution and the educational program must be demonstrated in requirements for admission and graduation. (p. 3)

d.
- All those connected with the institution should be informed and give positive support to its goals. (p. 2)
- See 3h, item 2.
- * Consideration will be given to the emphasis placed by the institution upon teaching competence in the selection and promotion of teachers, the manner in which young instructors are inducted into teaching activities, and the stimuli provided for growth of faculty.
- Faculty should always be alert to instructional needs of students.
- * All teaching faculty must have special competence in the fields in which they teach.
- * All who teach in the humanities, social sciences, and natural sciences must have a master's degree. In the creative or applied arts and in specialized professional or technical fields, evidence of competence is acceptable in lieu of advanced degrees. Faculty teaching courses which do not carry degree credit should have occupational, educational, or other professional experiences related to the subjects they teach.
- * At least 40% of the faculty in humanities, social sciences, and natural sciences must have educational preparation equivalent to 1 year beyond the master's degree; some faculty should possess an earned doctoral degree. (This item is not included in VA-04-3.)
- Experience of the faculty should reveal a balanced distribution among other accomplishments such as successful teaching, graduate work, scholarship and research, participation in professional associations, and contribution to the improvement of the educational program.
- The business and financial management of the institution shall be centralized under a trained and bonded business officer. (p. 6)
- See 3n, item 6.
- Each institution should have a concrete plan for determination and distribution of faculty work loads. The distribution should reflect

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* These items, or the underlined portions thereof, were not included in VA-04-1.

the avowed purpose of the institution.

*● A realistic amount of time must be available to faculty to care for duties associated with institutional operation.

*● There should be specific assignments for recruitment and selection of new faculty. There should be a statement of the criteria against which performance of the individual faculty member will be evaluated. Criteria for promotion should be adopted and understood by all.

● The library should be adequately staffed and administered by a professionally trained staff. Qualifications for the librarian were given. (p. 7)

*● The student personnel program should be administered by well qualified personnel who enjoy comparable status with other administrative officials. (p. 8)

e. ● Programs and courses should be supported by adequate library holdings, instructional materials, and physical facilities used effectively in the instructional process. (p. 4)

*● Library holdings should reflect the purpose of the institution and the curricula offered. Collections should be frequently tested and weeded. Guidelines on quantitative criteria for library staffing, collections, budgets, and facilities may be found in specified references.

● The library should be well-lighted, ventilated, sound-conditioned, and adequately equipped with seating for at least one-fourth of the largest number of students on campus. Books and periodicals should preferably be stored in open stacks. The library should remain open for a minimum of 60 hours per week. The library should be evaluated regularly in order to determine its effectiveness through the nature and extent of its use. (p. 8)

● The total physical environment should be designed and maintained to serve the needs of the institution in relation to its stated purpose. A master plan for the existing campus should be maintained.

● The physical plant shall provide for safety, health, and efficient instruction. Responsibilities for campus maintenance, security, fire protection, and traffic safety should be clearly defined and specifically assigned. Satisfactory parking space should be available.

● Space utilization studies should be made. Special programs requiring special facilities should not be offered unless appropriate facilities are available. (p. 9)

f. *● Financial planning for the future should include specific projections of income from each source, specific plans for major categories of expenditure, and plans for the increase of capital resources.

*● There should be sufficient income to provide the instruction and other services called for in the institution's stated purpose. Finances should be effectively applied to the support of the educational program.

*● Private institutions should have diverse sources of income to indicate stability. Both public and private institutions are expected to indicate stability of income for at least 3 years.

*● Consideration in determining the adequacy of financial support should include expenditure per student for educational purposes, stability of financing as indicated by the amount of income per student from all sources, indebtedness per student, and procedures in financial accounts and reporting. The annual expenditure per student must meet the minimum prescribed by the Southern Association of Schools and Colleges (SASC).

*● A budget covering all operations of the college shall be prepared each year and an annual audit of accounts made by a recognized, disinter-

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* These items, or the underlined portions thereof, were not included in VA-04-1.

ested agent.

*● A system of control must be established after the budget is approved. The accounting system should follow generally accepted principles as stated in a specified publication. There should be a well organized program of internal audit and control. (pp. 5-6)

● See 3d, item 9.

g. ● See 3c, item 1.

*● Admission policies should be clearly expressed and openly published and, where specified, should explain both general and specific requirements and patterns of secondary school courses.

● Policies regarding acceptance of transfer credit and re-admission of dismissed or suspended students should be clearly defined.

● An institution should admit only those students whose educational interests are in harmony with the purpose of the institution and whose abilities and previous preparation qualify them. (This item is not included in VA-04-3.)

● Graduation from an accredited secondary school or the equivalent should normally be required. (This item is not included in VA-04-3.)

● Students not meeting requirements initially may be enrolled in preparatory programs and approved for admission upon evidence of preparation and ability to achieve reasonable success. (p. 3) (This item is not included in VA-04-3.)

● Well developed programs of pre-registration, orientation, and guidance and counseling should give students an understanding of the whole life of the college. These should be evaluated periodically.

h. ● All appropriate publications should accurately reflect the institution's purpose. (p. 2)

● Duties and responsibilities of chief administrative officers, the pattern of faculty organization, statements governing tenure, and all other policies affecting faculty and staff should be published in by-laws of the board, faculty manuals, or other comparable official documents. (p. 3)

● See 3g, item 2.

*● The catalog and other published materials should accurately and honestly reflect the academic resources of the institution. (p. 4)

● See 3n, items 6, 11, and 12.

● See 3g, item 7.

● Information about all student activities should be set forth in student handbooks and catalogs.

i.

j. ● All academic records and other information pertaining to a student should be on file. (p. 3)

● A file should be maintained for each faculty member which documents the academic and professional experience upon which employment and assignment are based. (p. 6) (This item is not included in VA-04-3.)

● Careful records of use of the library should be kept for both students and faculty. (p. 7)

● Adequate student records should be maintained including information on admission and matriculation, scholarship records, transcripts, and other essential data. (p. 8)

● See 3n, item 9.

k. ● There should be a consistent policy regarding the development and administration of procedures for student financial aid and scholarships. (p. 3)

● There should be a definite annual appropriation for the purchase of books

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* These items, or the underlined portions thereof, were not included in VA-04-1.

l. and other materials for the library. (p. 7)

m. • See 3n, item 9.

n. • The statement of purpose should be examined periodically and changes carefully considered. (p. 2)

• See 3b, item 2.

• The effectiveness of instruction should be under continuous study.

*• Evaluation of instruction should be related to subject matter, course objectives, and the program of studies. Experimentation with devices and techniques in the improvement of instruction should be encouraged but should be subject to critical analysis. Variety in types of measurements should be encouraged.

• Consideration will be given to the emphasis placed upon adjustment of the curriculum and teaching procedures to the abilities and interests of students and on efforts to make examinations more reliable and more valid. (p. 4)

• Policies, rules, and regulations on faculty organization, opportunity for professional growth, financial security including fringe benefits and retirement plan, tenure, and academic freedom should be recorded and accessible to all. Salary scales should be reasonably competitive. (p. 7)

• The program of extra-class activities should be broad enough to encompass a wide range of student interests.

• See 3g, item 7.

*• A testing program should be provided as an aid in placement and follow-up services to students. A program of vocational guidance and post-graduate placement should also be provided. There should be provisions for medical care; health records should be maintained.

• Current and continuing information about educational programs at 4-year institutions should be maintained to assist transferring students. (This item is not included in VA-04-3.)

• Participation in governance by students should be provided through organizations such as student councils. Standards for student conduct should be established and information about all student activities should be set forth in student handbooks and catalogs.

*• Provision for due process of law for students should be clearly established and published in appropriate documents.

*• Funds for instruction should not be directed to the intercollegiate athletic program. (p. 9) (This item is not included in VA-04-3.)

4. Administration (VA-04-2):

No provision of this section was included in VA-04-1.

a. • All requests from the Virginia Community College System should be processed through the Office of the Chancellor of Community Colleges. (This item is not included in VA-04-3.)

• Applications for approval shall be submitted to the Director of the State Council of Higher Education for Virginia.

• Upon receipt of a completed application form, it will be reviewed by the State Council staff and a member(s) will make a visitation to the institution for consultations with the chief administrative officer and, in the case of community colleges, a representative from the Office of the Chancellor. Upon completion of the review and visitation, recommendations will be submitted to the Council for its action.

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*These items, or the underlined portions thereof, were not included in VA-04-1.

b.
- See 4a, item 3.
- See 4d, item 4.

c.
- Council approval shall be formally requested in writing and signed by the chairman of the governing board or the chief administrative officer of the college. (p. 1)
- See 4d, item 1.

d.
- Initial approval for institutions with no students enrolled may be renewed upon receipt of a satisfactory progress report.
- Provisional approval may be granted for 2 years to institutions in operation and with students enrolled.
- Full approval may be granted to institutions which have full accreditation by the SASC. State approval will remain in effect as long as SASC accreditation.
- For institutions which do not desire accreditation, full approval may be obtained by having an evaluation committee visit and conduct a survey of the institution. Committee expenses will be paid by the institution. If the institution meets minimum standards established by the Council, it may be granted full approval for 5 years, at which time it must be re-affirmed by action of the Council.

e.
- See 4d, item 4.

f.
- See 4d, all items.

VA-04-1

See the introduction to VA-04-2.

2. Application (VA-04-1):

The information in the NOTEs in VA-04-2, Section 2 was not included in VA-04-1.

3. Coverage (VA-04-1):

a.
- The statement of purpose and objectives should include the clientele and activities to be served together with their importance in the region served by the institution. (p. 1)
- The names and connections of members of the board of control, including the terms of service and any direct or beneficial financial interest that each may have in the institution, must be shown. (p. 2)
- The method of administration should be such that each employee clearly understands his duties and responsibilities, the person to whom he reports, and the standards by which the success of his work is measured.
- There should be evidence of faculty participation in administration through faculty meetings and other such devices. (p. 3)
- The faculty members shall be appointed by official action of the board of control, upon recommendation of the designated administrative officer. Notices of appointment shall be in writing and contain all the conditions of employment, including the period. (p. 7)

b.
- Institutions shall show that they offer courses appropriate to their specific purposes including an adequate program of general education, of courses in specialized fields of concentration, and of courses related to the objectives of the institution. The curricula shall approximate, quantitatively and qualitatively, the standards in effect in recognized collegiate institutions offering associate degrees in the specialized areas. Curricula should be appropriate to serve the educational needs of the community served. (p. 4)
- In addition to general education, institutions specializing in business shall offer work in at least two of the following fields: accounting, business administration and management, economics and finance, marketing, secretarial science, and office machines.

c.
- The associate degree shall require completion of a minimum of 60 semester hours, normally earned over a period of 4 semesters of 15-19 weeks of instruction. (Quarter hour equivalents are given.) A minimum of 50% of the total credits shall be in the field of specialization and at least 25% in general education.
- No degree may be conferred for mere correspondence courses nor upon any student who has not completed one-half of his standard semester hours in residence at said institution. (p. 5)

d.
- The academic background and experience of the teaching staff and other staff members dealing with academic affairs shall be adequate to provide effective instruction and guidance consistent with the institution's purposes and students' needs. (p. 3)
- All faculty should have at least a baccalaureate degree with specialization in the appropriate field. Teachers of automation, business machines, or other highly specialized instruction need not be held to

the college degree requirement. Normally it is expected that one-half of the faculty teaching second year work shall have master's degrees or other professional degrees.

- The faculty shall represent a reasonable balance in age and years of teaching experience.
- There shall be evidence of professional alertness on the part of the faculty as shown by membership and participation in educational and professional organizations, continuing education, concurrent related experience in field of specialization, or research.
- The teaching load shall be reasonable in student-teacher ratio, number of subject preparations, number of periods and hours of assigned instruction, and other duties. In calculating time value of student instruction load assigned, the evening classes must be included. (p. 7)
- See 3a, item 5.

e.
- Seating and space for quiet study in the library should be proportionate to the number of students and faculty. A reference to specific, published standards was provided. (p. 8)
- The institution's site should be readily accessible to the school population, free from traffic hazards and other dangers, free from distracting noises, extensive enough to provide for all instructional and recreational needs, attractively landscaped, and properly maintained. (p. 9)
- The buildings, grounds, classrooms, instructional facilities, furniture, equipment, machinery, instructional devices, and other physical requirements of the educational program shall be appropriate to and contribute directly to the achievement of the educational objectives. The physical plant shall meet the general tests of safety, usefulness, and high maintenance standards, including cleanliness, adequate health standards, and adequate lighting facilities. The plant should also comply with all local or state laws, particularly those with respect to fire safety and sanitation.
- Proper precautions shall be taken to protect pupils and employed personnel from injuries in all parts of the plant where accidents are likely to occur. All power machinery shall be equipped with protective guards. There shall be regular inspections by official fire or police inspectors and fire drills each quarter or semester. (pp. 9-10)

f.
- Each institution shall have adequate financial resources and credit rating to meet its responsibilities and to insure continuity of service.
- The amount of income per student must be adequate to provide a suitable program; the amount of debt must not burden the objectives of the institution, the proportion of the budget devoted strictly to instructional programs must be adequate, and the financial reputation of the institution in its community must be good. (p. 5)
- There should be a well organized program of internal audit and control complementing the accounting system and external audit. (p. 6)
- See 3h, item 4.

g.
- The admissions policies shall be based on the institution's objectives, stated publicly, and administered as written. (p. 3)
- Students not meeting requirements for admission to standard academic specialized programs may be admitted to other programs upon individual approval based on evidence of students' preparation and ability to achieve reasonable success.
- If the institution conducts an adult education program or serves special students, a separate admission policy shall be publicly stated. (p. 4)

h.
- The ownership, control, and type of legal organization of the institution shall be publicly stated, together with the names of the administrators or officers. (p. 2)
- See 3a, item 2.
- See 3g, items 1 and 3.
- The institution shall clearly state and explain in its bulletin or catalog all financial requirements and arrangements including a schedule of fees, tuition, and other charges; estimated costs of books and supplies; methods of payment; and refund policies. Information concerning scholarships, loans, and grants should be published, indicating the conditions under which such funds are available and awarded, the obligations of recipients, and application procedures. (p. 6)
- See 3l, item 2.

i.
- The institution's recruitment efforts shall be devoted substantially to locating and informing those groups of students which the institution can serve best. Loans, grants, or scholarships shall not be used as a recruitment device when such use results in unfair competitive practices. All recruitment activities shall be dignified and factual.
- If field representatives are employed, their remuneration, preferably, shall be on a salary basis. No institution shall budget an excessive or disproportionate amount for such activity. (p. 4)

j.
- See 3m.

k.
- See 3i, item 2.
- See 3h, item 4.
- See 3l, item 2.

l.
- See 3h, item 4.
- The policy on refunds should be equitable and published in the catalog. Normally tuition should not be collected more than 1 month in advance of matriculation. This amount and the amount retained by the institution in case the student fails to enroll should be reasonable. Equitable refund of tuition paid in advance should also be made in cases where a student must discontinue for reasons clearly beyond his control. (p. 6)

m.
- A program of post-graduation placement should be provided and records maintained showing the number of graduates placed each year in the specialized area. (p. 9)

n.
- See 3a, item 3.
- Enrollment in the second year of a 2-year program must be sufficient to support regularly scheduled and conducted classes including laboratory work, and to insure high standards of instruction. (p. 4)
- The institution shall provide a systematic program of in-service training related to objectives for improvement of teachers and curricula.
- See 3a, item 5.
- Student personnel policies should assure services adequate for assisting students to analyze and understand their problems and to adjust to life and work of the institution. They should provide counseling on educational, health, financial, vocational, and other personal problems.
- Each institution should maintain a reasonable program of extra-classroom activities based on well defined purposes and designed primarily to serve important educational needs of students. Participation and membership in activities shall be governed by democratic principles. (p. 8)
- Each institution should provide opportunities for developing student leadership and participation in social, religious, athletic, and recreational life. The financing of these activities should be under the control of the institution. (p. 9)

4. Administration (VA-04-1):

c. ● The institution should submit evidence regarding the extent to which its institutional objectives are being achieved.

VA-04-3

See the introduction to VA-04-2.

3. Coverage (VA-04-3):

a.

b. • Programs in teacher education should meet state requirements for certification in those areas where student endorsement is desired. (p. 4)

c. • Special requirements for graduate degree programs are given in another document. (p. 10)

d. • At least 50% of the teaching faculty in humanities, social sciences, and natural sciences must possess educational preparation equivalent to 1 year of advanced study beyond the master's degree and at least 30% must hold doctoral degrees. When a major concentration of courses is offered in disciplines in the areas listed above, at least one-fourth of the faculty must hold the earned doctorate in that discipline. (p. 6)

e. • Libraries must remain open at least 80 hours per week at universities.
   • In libraries serving graduate schools, it is desirable to have carrels that may be individually assigned, conference rooms, and seminar rooms. (p. 8)

f. • See 3n, item 1.

g. • Completion of an accredited secondary school program which provides a foundation appropriate for college study or its equivalent should normally be required of first time students.

h. • The student transferring should be officially informed at the time of his admission as to the status of his advanced standing. (p. 3)

i.

j.

k.

l.

m.

n. • Although there is no rule as to the minimum size of an institution, the enrollment and economic resources should be sufficient to justify an effective educational unit.
   • The quality of work for transferring credits should be in keeping with the quality required of all students of the institution. (p. 3)

VA-05

2. Application (VA-05):

"Any private institution of higher education located within the State which offers or intends to offer courses or programs in continuing education within the State shall register such courses and programs for the preceding year with the State Council of Higher Education...." (p. 1)

"No institution of higher education shall offer a course or degree program within the Commonwealth...unless it has first registered with and been authorized to do so by the Council...." (p. 1)

Any course or program taught off the main campus of the institution shall be deemed a course in continuing education.

Institutions of higher education (referred to in the second quote above) include any senior college, university, community college, technical institute, junior college, or the equivalent that awards an associate or higher degree and that is controlled by a body organized outside the boundaries of the Commonwealth or any branch thereof.

Exemptions:

a. Out-of-state institutions shall be exempt if no course offered in Virginia carries academic credit or if each course in the state is offered on a military installation solely for persons employed there. (p. 2)

NOTE: These sections of law deal with non-traditional and out-of-state institutions.

NOTE: One of the requirements for authorization of out-of-state institutions is full accreditation by a USOE-recognized accrediting body. (p. 2)

3. Coverage (VA-05):

1.
- One condition of authorization is that the out-of-state institution agrees to state in its advertisements, announcements, and registration materials: (1) whether each course or program offered in the state is approved by the institution; (2) whether the course is approved by the appropriate state agency in the institution's home state and whether the institution has been approved to offer the same level degrees there; and (3) whether credit earned may be transferred to a degree program on the main campus.
- No advertisement or other material of an out-of-state institution shall include the name of the State Council of Higher Education for Virginia. (p. 2)

4. Administration (VA-05):

a.
- The State Council of Higher Education for Virginia registers continuing education courses and authorizes out-of-state institutions to offer courses or degree programs in Virginia.

b.

c. • If an out-of-state institution is a corporation, it shall submit evidence of compliance with Virginia's corporation laws. (p. 1)
   • Out-of-state institutions shall submit data on courses to be offered in Virginia, their locations, degrees to be awarded, and other information specified.

d. • Registration and authorization for out-of-state institutions are done annually.

e. • The Council may charge a reasonable fee for registration and authorization. (p. 2)

5. Enforcement (VA-05):

a. • See 5c and 5d, item 2.

b.

c. • The Council may revoke or suspend any authorization upon violation of any provision or rule or any agreement submitted for authorization.

d. • Violation of provisions of the out-of-state registration and authorization section shall be a class 3 misdemeanor. Each day's violation is a separate offense.
   • Any court of competent jurisdiction may enjoin any operation of an institution in the state for violation of this Chapter or any agreement submitted to the Council.
   • The laws of Virginia shall govern any agreement, contract, or instrument of indebtedness executed between an institution and a person enrolling in a course or degree program offered in Virginia. (p. 2)

VA-03

2. Application (VA-03):

Applies to the state-supported universities, institutes, colleges, community colleges, branches, and divisions.

Does not authorize the Council to disapprove the creation and establishment of any department, school, college, branch, division, or extension of any institution which has been created and established by the General Assembly. (p. 3)

A senior state-supported institution in each continuing education regional consortium shall be encouraged to develop non-traditional degree programs at the baccalaureate and master's level, subject to approval of the Council. (p. 5) Such programs are to have minimum residency requirements and maximum transferability of credit from any accredited institution.

Authorizes the Council to approve contracts for educational services between private colleges and public educational agencies or colleges. (p. 8)

3. Coverage (VA-03):

a. • The Council for Higher Education shall adopt rules and regulations necessary to implement its responsibilities; the Council shall preserve the individuality, traditions, and sense of responsibility of the respective institutions. (p. 4)
   • The Council shall approve or disapprove any proposed change in the statement of mission of existing institutions and define the mission of public institutions created after the effective date of this provision. (p. 2)

b. • Specific programs shall remain the responsibility of the individual Boards of Visitors. (p. 3)

c. • The Council shall submit, for the approval of the General Assembly, recommendations concerning any proposed escalation of any public institution to a degree-granting level higher than its existing level of restriction. (p. 2)

d. • Faculty selection shall remain a function of the individual institutions. (p. 2)

e.

f. • The Council shall develop policies and guidelines to be utilized by all public institutions for funds for operating expenses and capital outlay.

g. • Student admissions policies shall remain a function of individual institutions.

h.

i.

j. • The Council shall establish uniform standards and systems of accounting, record keeping, and statistical reporting for public institutions. (p. 3)

4. Administration (VA-03):

a.
- The Council shall approve or disapprove the proposed establishment of any department, school, college, branch, or extension of any public institution of higher education. (p. 3)
- The Council shall cooperate with the State Board of Education in coordinating college admission requirements and teacher training programs with the public school program. (p. 4)

b.
- The Council shall approve or disapprove all proposed new academic undergraduate and graduate programs.
- The Council shall require the discontinuance of an existing institution if the program is unproductive in terms of the number of degrees granted, the number of students served by the program, and budgetary considerations.

c.
- The Council shall develop a comprehensive data information system to include information on admissions, enrollments, personnel, programs, and facilities. (p. 3)
- The Council shall have the authority to visit and study the operations of each public institution as it deems appropriate. (p. 4)

6. Other (VA-03):

Each regional consortium for continuing higher education (including private institutions which have become members) shall insure non-duplication of courses and programs, non-duplication and cooperative use of facilities, transferability of credits among programs and institutions, and replacement of extension offerings with full resident credit offerings when possible. (p. 6)

Actions of the consortium are subject to final approval by the Council, including approval of institutions to offer specific courses at specific locations.

VA-06

2. Application (VA-06):

Applies to comprehensive community college system of higher education.

Excludes vocational and technical programs provided and administered by the public school system.

In any area served by a comprehensive community college, no institution of higher learning which conducts extension programs shall offer courses similar to those of the community college, except as authorized by the Council of Higher Education. (p. 3)

An Advisory Committee shall, upon the request of the State Board, advise on all matters relating to accreditation of branch institutions transferred to the control of the State Board. The State Board shall request individual accreditation of the seven institutions specified in this section by the Southern Association of Colleges and Schools. (1966-67 transfer date)

3. Coverage (VA-06):

a. • The State Board is the state agency responsible for the establishment, control, and administration of the Community College System; it delegates duties for the operation of a single college to a local community college board. The Board is authorized and directed to prepare and administer a plan providing standards and policies for the colleges under its authority. (p. 2)

b. • Comprehensive community colleges shall offer instruction in one or more of the following: freshman and sophomore courses in arts and sciences acceptable for transfer to baccalaureate degree programs, diversified technical curricula including programs leading to an associate degree, vocational and technical education leading directly to employment, and courses in general and continuing education for adults in the above fields. (p. 1)

c. • The Board shall have the right to confer diplomas, certificates, and associate degrees. (p. 3)

d. • The Chancellor shall be appointed by the State Board to serve as chief executive officer of the System and the Department, and shall fix the duties and salaries of agents and employees appointed by the Chancellor. (p. 1a)

• The Chancellor shall enforce the standards established by the Board for personnel employed and remove employees who do not meet such standards. (p. 2a)

e.

f. • Proper bonds shall be required of all agents and employees who handle any funds of the Department. Premiums on bonds shall be paid from funds appropriated by the state for the administration of the provisions of this Chapter. (p. 5)

• The Chancellor is authorized to receive, from the federal government and other sources, funds for providing any vocational, technical, or other educational programs authorized by this Chapter. (p. 2a)

- The Board shall have authority to control and expend funds appropriated by law and, with the approval of the Governor, accept government agency or private funds. (p. 3)

g.

h.

i.

j.

k. • The Board shall have the authority to fix tuition, fees, and charges. (p. 3)

4. Administration (VA-06):

a. • In providing comprehensive community college offerings, the Board shall recognize the need for excellence in all curricula and establish and maintain standards appropriate to the various purposes.
   • The Board shall adhere to the policies of the State Council on Higher Education for the coordination of higher education as required by law. (p. 3)

b.

c. • The Chancellor shall submit an annual report to the Governor showing the total expenditures and the total number of persons receiving instruction. (p. 1a)

6. Other (VA-06):

The Board shall determine the need for comprehensive community colleges, develop a statewide plan for their location, and a time schedule for their establishment. (p. 2)

SOUTH CAROLINA

1. Identification:

SC-01

An act to provide for the regulation of proprietary schools and to provide penalties for violations (Act Number 405, as amended by Act Number 192, the Proprietary School Act)

Approved: 1971, amendment approved 1975

Stated purpose: "...for the protection of the health, peace, safety, and general welfare of the people...; for the general improvement of the educational programs available...; to prevent misrepresentation, fraud, and collusion in offering such...programs; to establish standards for, and to protect, preserve, foster, improve, and encourage the educational programs offered to the public." (p. 3)

Basic effect: Requires schools to obtain licenses to operate and agents to secure permits to solicit.

Basic coverage: Private non-degree granting

SC-01-1

Rules and regulations governing the issuing of licenses to certain proprietary schools and the issuing of agents' permits in accordance with Act Number 405... as amended

Adopted: 1975; amended, 1976

Stated purpose:

Basic effect: Sets procedures and criteria regarding school licenses and agents' permits.

SC-08

Business schools

Effective date:

Stated purpose:

Basic effect: Requires business colleges or universities to receive the approval of the State Board of Education before issuing degrees. Requires home-study schools to secure approval to be established or to operate.

Basic coverage: Private degree granting (business colleges, universities, or similar schools only)

SC-02

Act 654: An act relating to the State Board for Technical and Comprehensive Education

Effective date: 17 June 1976

Stated purpose: "...to provide that the Board shall have within its jurisdiction all state-supported post-secondary technical institutions and their programs;...[and]...certain authority over certain post-secondary vocational, technical and occupational education programs;...." (p. 1)

Basic effect: Creates the State Board for Technical and Comprehensive Education, with approval authority over all postsecondary vocational and technical diploma and degree programs financed by the state.

Basic coverage: Public degree and non-degree granting (2-year institutions)

SC-03

South Carolina Commission on Higher Education

Effective date: 1962; amended 1972, 1974

Stated purpose: Creates the State Commission on Higher Education to "...[make] studies of the State's institutions of higher learning relative to both short and long-range programs...[and]...make...recommendations to the State Budget and Control Board and the General Assembly as to policies, programs, curricula, facilities, administration and financing of all State-supported institutions...." (pp. 14, 15)

Basic effect: Designates the Commission as the state agency to administer certain federal programs; authorizes the Commission to review and approve annual budgets of state-supported institutions, approve all new programs, annually report to the Governor and the General Assembly on the status and progress of higher education with appropriate recommendations, and make studies which include enrollment trends, student costs, and curriculum offerings.

Basic coverage: Public degree granting

No further abstract prepared.

SC-05

State Education Assistance Act

Effective date: 1971

Stated purpose: Creates the State Education Assistance Authority "...to develop and administer all programs and to perform all functions necessary or convenient to promote and facilitate the making and insuring of student loans...." (p. 34)

Basic effect: Empowers the Authority to make, insure, and guarantee student loans made to residents of the state to enable them to attend eligible institutions; defines eligible institution as any institution of higher learning or postsecondary business, trade, or technical educational schools, and vocational and training schools which may be located within or beyond the state boundaries and which shall have received approval as such by the Authority; and requires the Authority to annually report on its activities to the Governor and General Assembly.

Basic coverage: Public and private degree and non-degree granting

No further abstract prepared.

SC-10

Junior College Courses

Effective date: Included in 1975 compilation of state laws

Stated purpose: "When authorized...by the electors...a school district... may establish, maintain or discontinue a junior college...of not more than two years of college work beyond a four-year high school course and may charge...tuition fees for instruction...." (p. 57)

Basic effect: Authorizes school districts to establish junior colleges under the supervision and control of the State Department of Education; specifies the certification standards for instructors; and authorizes the Department to approve courses leading to a 2-year certificate or diploma.

Basic coverage: Public non-degree granting

SC-14

Educational Institutions: General Provisions

Effective date: Included in 1975 compilation of state laws

Stated purpose:

Basic effect: Names the state colleges and universities and stipulates that they shall be separate and distinct institutions under separate boards, directs state-supported institutions to give preference to resident applicants, states specifications for resident status, and prohibits any new program from being offered by a state-supported institution of higher learning without the approval of the Commission or the General Assembly.

Basic coverage: Public degree and non-degree granting

No further abstract prepared.

SC-15

State College Board of Trustees

Effective date:

Stated purpose:

Basic effect: Creates the State College Board of Trustees to be the governing board for any 4-year state-supported college; authorizes the Board to provide for the appointment of faculty and to fix their compensation, to fix tuition fees, to confer degrees to qualified students, and to make necessary regulations for the operation of the college.

Basic coverage: Public degree granting

No further abstract prepared.

SC-01

2. Application (SC-01):

"No person shall operate...a proprietary school or solicit...enrollment... unless a license or a permit is first secured...." (p. 4)

"No person representing a proprietary school shall solicit or sell any course unless he first secures a permit...." (p. 5)

"No person shall be granted a permit unless he is of good moral character and the board has investigated and is satisfied that the proprietary school... meets the standards prescribed by the board." (p. 6)

"Proprietary school" means any person offering residence or correspondence courses to students upon payment of tuition or fees.

The definition shall not include:

a. Institutions supported entirely or partially by state funds.
b. Parochial or denominational institutions.
c. Instruction primarily in avocation, recreation, health, or entertainment.
d. Instruction sponsored by employers for employees.
e. Courses sponsored by recognized organizations for their members.
f. Private colleges or universities awarding associate or higher degrees.
g. Schools offering programs only for children under 12.
h. Schools regulated or licensed by an occupational licensing act.
i. Courses where total tuition is less than $25.
j. Private residence schools offering elementary and secondary level courses to students of legal age. (pp. 3-4)

3. Coverage (SC-01):

Standards for licensure shall include course offerings, adequate facilities, financial stability, competent personnel, and legitimate operating practices. (p. 4)

a.

b. • See introduction above.

c.

d. • See introduction above.

e. • See introduction above.

f. • See introduction above.
   • Before a license shall be issued, the applicant shall execute a bond in an amount to be determined by the Board but not less than $1,000.
   • Before an agent's permit shall be issued, the applicant shall execute a bond in the sum of $1,000. (p. 5)

g.

h.

i. • See 3f regarding bonds for agents' permits.
   • See Section 2 regarding moral character of agents.

4. Administration (SC-01):

a. • The South Carolina State Board of Education licenses schools, issues permits to agents, administers and enforces the Act, and formulates criteria and standards for licensure and approval of agents.
• Licenses and permits are secured from the Superintendent of Education. (p. 4)
• The Board may adopt rules and regulations and may establish an advisory committee. (p. 6)

b. • The Board shall provide for adequate investigation of all schools applying for licenses. (p. 4)
• Licenses shall be renewable provided the school and its courses, facilities, faculty, and other operations are found to meet original licensure requirements. (p. 5)
• See Section 2 regarding investigation of schools that employ agents.

c. • Applications shall be filed on forms prescribed and furnished by the Superintendent. Applications, properly verified, shall be signed by the applicants and contain required information.
• Licenses shall be restricted to the courses or programs in the application. Supplemental applications shall be presented for approval of additional courses or programs.
• After licensing, schools shall notify the Superintendent of any change that may significantly affect the course of instruction offered.
• Licenses are not transferable in the event of the sale of the school.

d. • Licenses and permits are renewable annually.

e. • The Board may set a reasonable license fee.
• The permit fee shall not exceed $10. (p. 5)

f. • Licensure or permit approval decisions shall be made within 15 days, otherwise a temporary license or permit shall be issued. (p. 6)

g. • The Board shall maintain a list of schools which have been issued licenses. (p. 4)

5. Enforcement (SC-01):

a. • See 4a, item 1.

b. • See 5c.

c. • The Board may refuse to issue, suspend, or revoke a license or permit after giving the holder an opportunity to be heard.
• Any person may appeal the Board's decision to the Court of Common Pleas. (p. 6)

d. • Schools' bonds shall be conditional that the principal will comply with every contract entered into by the school, and will pay back to any student all amounts collected in tuition and fees in case of failure on the part of the applicant to obtain a license.
• Agents' bonds shall be conditioned to provide indemnification to any students suffering loss as a result of any fraud or misrepresentation used in procuring their enrollments.
• All contracts and notes between schools and students shall be void unless the school is licensed.
• All enrollment agreements, contracts, or notes shall be void unless the agent has a permit. (p. 5)
• Any person violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than $100 or be imprisoned for not more than 30 days. Each day's violation shall constitute a separate offense. (p. 6)

SC-01-1

2. Application (SC-01-1):

See SC-01.

NOTE: Schools located outside of South Carolina which have not been inspected by an acceptable state licensing or approval agency or by a USOE-recognized accrediting agency must undergo an on-site inspection by at least one representative of the State Department of Education. Expenses will be borne by the school. (amendment)

NOTE: Four factors are given to indicate when a branch facility of a licensed institution is within the scope of the parent institution's license. (p. 14)

NOTE: If the school is accredited by a USOE-approved, nationally recognized agency, or if it is located in a state with a state-required refund and cancellation policy, the Board will accept its stated cancellation and refund policy. (p. 18)

NOTE: Rules and regulations in Section 3 apply to correspondence schools so far as applicable. Four special standards also apply. (See 3b, 3g, and 3n.)

3. Coverage (SC-01-1):

a. • See 5c, item 1, point 10.
 • Each school shall maintain high ethical standards in the conduct of its operations, solicitation of its students, and in its advertising and promotional material. (p. 20)

b. • The courses, curriculum, and instruction are consistent in quality, content, and length with similar recognized accepted standards and with standards adopted by the Board of Education. (p. 12)
 *• The educational objectives shall be clearly defined, simply stated, and of such a nature that they can be achieved through correspondence study. (p. 22).
 *• Courses are sufficiently comprehensive, accurate, up-to-date, and educationally sound instructional materials and methods are used to meet announced objectives. (p. 23)

c. • Upon successful completion of training, the student is given a certificate indicating course, length in clock hours, and that training was successfully completed.

d. • Educational and experience qualifications of directors, administrators, and instructors are adequate. (p. 12)
 • The school's administrators, directors, owners, and instructors are of good reputation and character. (p. 13)
 • See 5c, item 1, point 7.
 • See 3e, item 1.

e. • There is adequate space, equipment, instructional materials, and instructional personnel to provide training of good quality.
 • The school complies with all regulations such as fire, building, and sanitation codes. (p. 12)
 • See 4b regarding inspection of school plant and facilities.
 • See 5c, item 1, point 5.

f. • The school is financially sound and capable of fulfilling its commitments for training.

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*These standards apply to correspondence schools.

- Prior to licensure a school must supply a $10,000 surety bond. There are special requirements for schools with small tuition.
- A $1,000 agent's bond is required.

g.
- A school shall endeavor to establish qualifications for successful assimilation of the subject. Applicants should be informed of these prerequisites and those who are not qualified should not be enrolled. (p. 22)
- *The correspondence school must clearly state the entrance requirements for each of its courses. (p. 23)

h.
- School catalogs shall include: (1) name and address of school; (2) date; (3) admission requirements and procedures; (4) objectives of each course; (5) number of hours of instruction in each course and normal time for completion; (6) description of physical facilities, equipment, and size for each class; (7) policies relating to conduct, absences, termination, and other rules and regulations; (8) grading system; (9) certificates or diplomas awarded; (10) tuition and all other charges; (11) cancellation and refund policy; (12) detailed and explicit description of job placement assistance, if any; and (13) school calendar. (pp. 10-11)
- The school shall provide a catalog or brochure meeting requirements to each student prior to enrollment. (p. 13)
- School enrollment agreements or contracts will include: (1) name and address of school; (2) disclosure that the agreement is a legally binding instrument; (3) disclosure of the student's right to cancel; (4) name, length, and total cost of course; (5) a disclosure of refund policy which meets requirements; (6) disclosure of truth in lending requirements if tuition is paid in installments; and (7) other information the Board may deem appropriate. (p. 11)
- The enrollment agreement must outline the obligations of both school and student. A copy of it must be furnished to the student upon enrollment. (p. 18)
- If the school requires that termination and refund requests be made in writing, this requirement and the school's mailing address must be printed in the enrollment agreement. (p. 20)
- The terms of the school's refund policy must be clearly disclosed in the enrollment agreement. (p. 18)
- A copy of the course outline, fee schedule, regulations pertaining to absences, grading policy, and rules of operation and conduct will be furnished the student upon enrollment. (p. 12)
- See 3g.

i.
- All advertising and promotional materials and their lead-generating procedures shall be consistent with requirements. (p. 13)
- The correct name of the school is to appear in all advertising. "Blind" advertisements are misleading and unethical.
- The location of the training facility should be noted on each advertised offering.
- Reference in advertising to accreditation shall name the agency and shall be limited to current accreditation by nationally recognized agencies listed by USOE.
- A school shall not misrepresent any approval received from a state agency or its accreditation.
- A school shall not represent that it has been approved by a federal or state agency if such approval was not the result of an evaluation of the school's facilities, courses of instruction, and qualification of directors and instructional personnel.
- No school or its agent shall advertise or imply that the school is "recommended" or "endorsed" by the State Board of Education or the

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*These standards apply to correspondence schools.

State Department of Education. (p. 20)

- A school shall not falsely represent that students completing a course may transfer credit to an accredited institution of higher education.
- A school shall not falsely represent that a course has been approved by an industry, that successful completion qualifies a student for admission to a labor union, or for a license.
- A school shall not falsely represent that its courses are recommended by vocational counselors, educational organizations, employment agencies, or a particular industry or that it has received unsolicited endorsements. Testimonials which do not accurately reflect current school practices or conditions or opportunities in an industry are not to be used.
- The school must be able to substantiate any advertised claims, including employment and earnings claims. If placement claims are made, the school must disclose its placement rate. Advertising of salaries and opportunities must clearly disclose the normal range (middle 80% of graduates) of salaries and opportunities available to students immediately after graduation. Claims must avoid "high starting salaries," "top paying jobs," "high pay," and other exaggerated approaches. Large earnings shall not be implied.
- When using classified advertising, a school shall not request a misclassification nor allow others to use its name or course offerings in inappropriate classifications (e.g., "Help wanted," or "employment"). The type of advertisements normally found under "Help wanted" or employment classifications will not be used by schools, even though they are placed under the "schools" or "instruction" classification.
- The text of advertisements must avoid easily misunderstood abbreviated claims. (p. 21)
- A school shall not misrepresent any prerequisites for enrollment. It shall not: (1) falsely represent that a course is available only to those having a high school diploma or other qualifications; (2) falsely represent that only those who make an acceptable grade or successfully complete a certain test will be admitted; (3) falsely represent that it has enrollment limitations based on numbers or geography; or (4) falsely represent that applications will be considered for only a limited period of time, or that they must be submitted by a certain date.
- A school shall not falsely represent that the lack of a high school education or prior training or experience is not a handicap.
- A school's officials must accept full responsibility for advertising placed by others, and should review and approve such advertising in advance.
- Mention of institutional eligibility for federal student financial aid programs in advertising must be limited to the announcement, "Eligible institution under the (name of program)." (p. 22)
- Every agent should familiarize himself with SC-01 and associated rules and regulations. (p. 17)
- See 4b, item 2 regarding investigation of agents.
- See 3a, item 2.
- See 4c, item 2, point 10 and item 6, point 5.
- See 5c, item 1, points 2, 4, and 6, and items 2 and 3.
- See 3f, item 4 regarding agents' bonds.

j.
- Adequate records are kept to show attendance and progress of each student. (p. 12)
- The school maintains a written record of the previous education and training of the student, documented where appropriate. (p. 13)

k.

l.
- The school must have a definite and established written refund policy. (pp. 13, 18)
- If the school is accredited, or if it is located in a state with a state-required refund and cancellation policy, the Board will accept its stated cancellation and refund policy. If not, the policy must meet requirements stated below. (p. 18)
- A student may cancel his enrollment with a refund of all monies paid by notifying the school by the fifth business day after the agreement was signed.
- An applicant who has not yet entered training shall be entitled to a refund of all monies less a non-refundable fee of $50.
- When a student withdraws after beginning resident classes which are between 3 and 12 months in length, the school may retain $50, plus: (1) 10% of the stated course price up to $200, if withdrawal occurs within the first 2 weeks; (2) 25% for withdrawals during the first 25% of the course; (3) 50% for withdrawals during the second 25%; and (4) 100% for withdrawals during the last half of the course.
- For resident programs of 3 months or less, the school may retain a pro-rata charge for the time a student is in actual attendance or for the time the classes have been offered, plus a charge of $75.
- For resident programs longer than 12 months, 100% of the stated course price attributable to the period beyond the first year will be refunded when the student withdraws during the first year.
- The following refund policy applies when a student withdraws after beginning a correspondence program: (1) for 0 lessons submitted, the school may retain $50; (2) up to 10% of lessons submitted, 10% of cash tuition price plus $50; (3) up to 20%, 20% plus $50; (4) up to 30%, 30% plus $50; (5) up to 50%, 50% plus $50; and (6) thereafter, the school may retain 100% of the tuition. (p. 19)
- A student must be automatically terminated after 2 consecutive weeks of non-attendance at resident-training or failure to submit a lesson for service during a 90-day period in the case of a correspondence school.
- Refunds shall be made within 30 days of the effective date of termination. (p. 20)

m.
- See 3i, item 10 regarding disclosure of placement rate.

n.
- A school does not exceed its enrollment limitations as established by the State Department of Education. (p. 13)
- *The school provides adequate examination services, encouragement to students, and attention to individual differences. (p. 23)

4. Administration (SC-01-1):

a.
- Schools may be licensed by the Board of Education after due investigation by the State Department of Education. (p. 12)
- The Board may adopt additional minimum standards. (p. 13)
- The establishment of an advisory committee is authorized. (p. 23)

b.
- The State Department of Education shall make an initial and subsequent annual inspection of the school plant and facilities when and where appropriate. (p. 12)
- The Superintendent may make reasonable investigation of any agent's permit applicant as is deemed necessary to establish that he is of good moral character. (p. 17)

c.
- Applications for a license shall be made on forms provided by the

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*This requirement applies to correspondence schools.

Superintendent and shall be certified under oath as true in content by an authorized official of the school.

- The following information shall be submitted: (1) school catalog or bulletin including required information; (2) names and addresses of owners, officers, and managers; (3) location and description of physical facilities; (4) name and address of the owner of the building or his agent; (5) specific listing of equipment in each course and whether it is owned, rented, or leased; (6) maximum anticipated enrollment and ratio of students to instructors; (7) qualifications of instructors and supervisors; (8) financial resources available; as a minimum where appropriate, an applicant must submit audited financial reports for the most recent 2 years consisting of a balance sheet and profit and loss statement; (9) a copy of the enrollment and/or contract including required provisions; (10) copies of all advertising material; (11) surety bond; and (12) other required information. (pp. 10-12)
- Evidence of compliance with regulations such as fire, building, and sanitation codes may be required. (p. 12)
- Licenses are not transferable. New owners or governing bodies must secure licenses. (p. 13)
- A school ceasing to operate must inform the Department and surrender its license. (p. 14)
- Applications for agents' permits shall be made on forms prepared and furnished by the Board. They shall include: (1) complete name and address of the school (only one employer per application is permitted); (2) personal data, including age, address, education, experience, and names and addresses of three references; (3) statement of employment by the proper administrative official of the school; (4) record of the applicant's past 5 years, including jobs held, name and address of each school attended, and military service; (5) recommendations of three reputable persons certifying that the applicant is honest, truthful, and of good reputation and that they recommend the applicant be issued a permit; and (6) such other information as may be required. (pp. 17-18)

d. • Permits are valid for 1 year. (p. 18)
   • Licenses may be renewed annually after written request and certification by the school that it has met all requirements. (pp. 13, 15)

e. • Original licensure fees are $50. (p. 10)
   • Renewal fees for licenses are $25. (p. 15)
   • Original and renewal fees for permits are $10. (pp. 17-18)
   • Schools located outside South Carolina which have not been inspected by a state licensing or approval agency or recognized accrediting agency will pay expenses of inspectors. (amendments)

f. • See 5c, item 5.

5. Enforcement (SC-01-1):

a. • The Board of Education may refuse to issue or renew or may revoke or suspend a license or permit. (pp. 15, 18)
   • See 5b.
   • See 5c.

b. • The Superintendent may, upon his own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proved, would constitute grounds for refusal, suspension, or revocation, investigate the actions of any licensee. (p. 16)
   • See 5c.

c.
- The Board may refuse to issue or renew or may revoke or suspend the license for: (1) willful violation of the Act or its rules and regulations; (2) furnishing false, misleading, or incomplete information or failing to furnish requested information; (3) willful violation of any commitment made in an application; (4) presenting to prospective students, either by a school or agent, information which is false, misleading, or fraudulent regarding employment, salaries, or transfer of credit; (5) failure to provide safe and sanitary premises or equipment as required by law; (6) paying for an act performed in willful violation of the Act; (7) failing to maintain financial resources adequate for the satisfactory conduct of courses, or failing to retain sufficient or qualified instructional staff; (8) conducting instruction in a field not approved; (9) failing to provide information requested as a result of a complaint; or (10) attempting to use students in any commercial activity without authorization (which will be granted only when the activity is essential to training). (pp. 15-16)
- The Board may refuse to issue or renew or may suspend or revoke an agent's permit for: (1) willful violation of the Act or its rules and regulations; (2) presenting students with false, misleading, or fraudulent information; (3) failing to display a current and valid permit upon request; or (4) failing to provide the Board with information requested as a result of a complaint. (p. 18)
- The use of any unfair or deceptive trade practice or the making of false, misleading, or deceptive statements in advertising or promotional material which tends to deceive students shall be cause for refusal to issue or renew, or revocation or suspension of, licenses or permits. (p. 20)
- Before refusing to issue or renew or before suspending or revoking a license, the Board shall be required to conduct a hearing.
- Before proceeding to a hearing, the Superintendent may grant a period of time to correct any unsatisfactory condition. If this is done, no further action shall be taken by the Board. (p. 16)
- At a hearing, both the respondent and complainant shall have the opportunity to present evidence in person or by counsel. Afterwards they shall receive the Board's written opinion or order. (pp. 16-17)
- Any person aggrieved by an order shall have the right of appeal to the Court of Common Pleas. The filing of an appeal shall not automatically stay the effect of the order. (p. 17)
- No permit shall be revoked, suspended, or not renewed without a hearing. (p. 18)

d.
- School bonds must be conditioned to clearly show that the principal shall well and truly perform the terms and conditions of all contracts and that the principal will pay back all amounts collected in tuition and fees in case of failure on the part of the principal to obtain a license. (p. 14)
- Agents' bonds shall be conditioned to provide indemnification to students suffering loss as a result of any fraud or misrepresentation used in procuring enrollments. The bond shall be made payable to the Board. (p. 17)
- See SC-01 for penalties.

SC-08

2. Application (SC-08):

"It shall be illegal for any person engaged in...operating a business college, university or similar school to issue degrees of any kind, except upon the approval of the State Board of Education." (p. 53)

"No type of home-study school shall be established or permitted to operate in this State without first securing the approval of the State Board of Education." (p. 53)

The provisions of this article shall not apply to any state or denominational college or university which gives special courses in commercial education. (p. 53)

3. Coverage (SC-08):

a.

b.

c. ● The charter or license of any business college shall not grant the authority to confer degrees.

d.

e.

f.

g.

h.

i. ● Advertising through the mails, newspapers, or otherwise offering to confer any degree that has not been approved shall be a violation of this article.

4. Administration (SC-08):

a. ● See 5a.

5. Enforcement (SC-08):

a. ● The State Board of Education shall issue rules and regulations with the full force and effect of law pertinent to the enforcement of this article.

b.

c.

d. ● Any person violating the provisions of this article shall be guilty of a misdemeanor punishable by a fine of between $1,000 and $5,000. (p. 53)

SC-02

2. Application (SC-02):

Applies to all courses, programs, and institutions within the jurisdiction of the Board for Technical and Comprehensive Education, which shall be identified and administered as the South Carolina Technical Education System.

Technical programs presently offered by other state-supported institutions of higher learning are excluded. (p. 2)

All 3- and 4-year branches of the University of South Carolina shall continue to exist as branches. Three-year branches may add the fourth year upon approval of the University Board of Trustees. (p. 6)

3. Coverage (SC-02):

a.
- The Board shall maintain effective coordination and planning activities with the Commission on Higher Education and the State Department of Education and coordinate special programs with the state's economic development efforts and employment needs.
- The Board shall be responsible for the state-level development and operation of post high school vocational, technical, and occupational diploma and associate degree courses and programs financed in whole or in part by state funds. (p. 3)
- The area commissions shall be delegated primary responsibility for local governance and supervision of individual institutions in compliance with state laws. (p. 4)

b.
- Upon request and justification and with Commission on Higher Education approval, the Board may authorize an institution to offer 2-year college parallel programs. The Commission shall approve all criteria for college parallel courses. (p. 2)

c.
- The Board shall establish criteria for and approve the awarding of certificates, diplomas, and associate (not baccalaureate) degrees to students who successfully complete authorized and prescribed courses and programs of study and training. (p. 3)

d.

e.
- The Board shall establish criteria for the justification of a new facility, which shall be approved by the area commission and the Board. (p. 3)
- Each area commission shall exercise responsibility for the operation of institutional facilities. (p. 4)

f.
- The Board shall participate in various federal aid programs for students in public, postsecondary, and 2-year institutions and shall administer funds from other sources.
- Each area commission shall keep accurate accounts of receipts and expenditures in accordance with uniform budgeting and accounting procedures established for the System, and cause an annual audit to be made and reported to the Board. (p. 5)
- State funds for the System shall be appropriated to the Board by the General Assembly and shall be equitably allocated.
- Institutional fees shall be regarded as local funds under the guidelines of the Board. (p. 4)

g. • Institutions of the System shall maintain open admissions policies unless determined to be economically unfeasible by the Budget and Control Board. (p. 2)

h.

i.

j.

k. • Institutions of the System shall maintain low tuition and fees in order to provide access to postsecondary education and insure that educational opportunities shall not be denied to anyone. (p. 2)
   • The Board shall establish a minimum and maximum tuition fee with the approval of the area commissions. Any fees charged above or below the established schedule shall require approval of the Board and the appropriate area commissions. (p. 3)

4. Administration (SC-02):

a. • The Board shall establish statewide policies and procedures necessary to insure educational and financial accountability for operation of the technical education institutions and their programs. (p. 4)

b. • All college parallel courses or associate degree programs shall be subject to the approval or termination by the Commission on Higher Education.

c. • The Board shall be required to submit to the Commission on Higher Education a budget and enrollment documentation for all existing and proposed college parallel courses or associate degree programs with college transfer credit.
   • The Board shall annually file reports on its activities with the Governor and General Assembly. (p. 3)

5. Enforcement (SC-02):

a. • An area commission shall have the right to appeal any final decision or action of the Board to the Budget and Control Board. (p. 4)

SC-10

2. Application (SC-10):

Applies to junior colleges, defined as a public school located in a school district which maintains an accredited high school.

Where a county is empowered to establish a junior college under a legislative act, approval of the Commission on Higher Education is not required if only local funds are used. (p. 57)

No state aid for public schools shall be allocated to any junior college established hereunder. (p. 58)

3. Coverage (SC-10):

a. • The State Department of Education shall have the same supervision, control, and powers over any junior college established hereunder, as it has over other departments of the public school system.
   • The superintendent of the college shall administer and exercise general supervision over the junior college and make such reports as the State Superintendent may require.
b. • The minimum length of a recitation period shall be 50 minutes.
c. • No school board shall issue a certificate or diploma showing completion of a junior college course except upon recommendation of the county superintendent.
   • A 2-year certificate or diploma shall be recommended only upon the completion of at least 60 semester hours, or equivalent, in a course approved by the State Department of Education.
d. • The dean and instructors shall have at least a bachelor's degree from a recognized college and at least 18 semester hours of professional training in education.
e. • The building space shall be modern, adequate, and well adapted to the work needs; a general and reference library shall be provided that is adequate for the courses offered and for the enrollment; suitable laboratory space and equipment shall be provided for advanced work in the natural sciences offered. (p. 58)
f. • A junior college shall be maintained only when the district assessed valuation exceeds $1,000,000.
g. • Students shall be limited to those who have satisfactorily completed a full high school course or its equivalent, or those who wish to pursue special courses of college rank and who are considered qualified to do so.

SOUTH DAKOTA

1. Identification:

SD-01

Chapter 13-48 -- Solicitation of Students by Nonpublic Schools

Effective date: 1966; last amended, 1975

Stated purpose: "...to supplement the general law of fraud so as to provide adequate protection for students, educational institutions and the general public." (p. 532)

Basic effect: Requires non-exempt schools to comply with rules; requires solicitors of in-state and out-of-state schools to obtain permits.

Basic coverage: Private degree and non-degree granting

SD-01-1

Chapter 24:40:04 -- Regulation of Postsecondary Schools

Effective date: 20 May 1976

Stated purpose:

Basic effect: States minimum standards, information requirements, and procedures for institutional licensure and solicitors' permits.

SD-02

Chapter 13-39 -- Vocational and Technical Education

Date enacted: 1965, including 1975 amendments

Stated purpose:

Basic effect: Designates the Director of Vocational Education, under the direction of the State Board of Vocational Education to have the general control and supervision over vocational training and technical education in all public secondary, postsecondary, trade, and technical schools. (p. 478)

Basic coverage: Public non-degree granting

SD-03

State Board of Regents 13-49-6 to 13-49-11 and 13-49-21

Effective date: 1975

Stated purpose:

Basic effect: Provides brief information on the powers and duties of the Board of Regents and the Commissioner of Higher Education.

Basic coverage: Public degree-granting

No further abstract prepared.

SD-01

2. Application (SD-01):

"No person representing any school...offering courses in this state... shall sell any course or solicit students therefore in this state for... remuneration unless he first secures a permit...." (pp. 533-534)

"No post-secondary institution, unless exempt...shall offer courses or... instruction in this state and no person representing [such] a school...shall be issued a solicitor's permit...until such...institution complies with rules...." (p. 534)

"No person representing a school...located outside this state, shall sell any course or solicit students therefore in this state for...remuneration unless he first secures a permit...." (p. 534)

"Course" includes instruction conducted in person, by mail, or by any other method.

"Post-secondary institution" includes academic, vocational-technical, home study, business, professional, or other school, college, university, or other organization offering educational credentials, instruction, or educational services primarily to persons who have completed their secondary education.

Except:

This law shall not apply to any course:
a. Recognized by the Superintendent of Elementary and Secondary Education for purposes of complying with the compulsory state school attendance law;
b. Offered by an institution approved by the Superintendent of Elementary and Secondary Education (these are the schools approved by the State Approving Agency for Veterans);
c. Offered by an employer solely to employees as part of an in-service training program;
d. Offered by a postsecondary institution located in South Dakota accredited by a nationally recognized accrediting agency listed by USOE; or
e. Offered by an out-of-state institution which complies with rules established by the Secretary of the Department of Education and Cultural Affairs. (See SD-01-1, Section 2, NOTE.) (pp. 532-533)

NOTE: See exemption d above regarding accreditation.

3. Coverage (SD-01):

a. • No person shall do any act in the conduct or administration of a course or obtain students for it if he knows or reasonably should know that any phase of the course uses fraud, deception, or other misrepresentation or that students are solicited by anyone without a permit. (p. 533)

b.

c.

d.

e.

f.
- Permit applications shall be accompanied by a surety bond approved by the Attorney General in the penal sum of $1,000. The bond may be continuous and may be supplied by the representative or by the school as a blanket bond covering each of its representatives for $1,000. (p. 534)
- No person shall be issued a solicitor's permit until the school he represents submits a continuous surety bond or cash equivalent of $10,000. (p. 535)

g.

h.

i.
- No person shall make any statement or representation if he knows or reasonably should have known the statement to be false, deceptive, substantially inaccurate, or misleading.
- No person shall promise employment utilizing a course unless he offers the student a bona fide contract of employment for 90 days in a business he conducts in which information, training, or a skill provided by the course is a regular condition of employment. (p. 533)
- No permit shall be issued to any person found to be not of good moral character. (p. 535)
- See 3f, items 1 and 2 regarding solicitors' bonds.
- The issuance of a permit shall not be deemed to constitute approval of any course, person, or institution. Any representation to the contrary shall be a misrepresentation. (p. 536)

j.

k.

l.

m.
- See 3i, item 2 regarding employment guarantees.

4. Administration (SD-01):

a.
- The Secretary of the Department of Education and Cultural Affairs shall have the authority to establish rules concerning quality of education, ethical and business practices, health and safety, and fiscal responsibility, and to protect against substandard, transient, unethical, deceptive, or fraudulent institutions and practices.
- The Attorney General approves bonds accompanying solicitors' permit applications. (p. 534)
- The Secretary shall establish an advisory committee of owners or operators of institutions to which this law applies and of other knowledgeable persons to advise him in its administration. (p. 537)

b.

c.
- If an agent represents more than one school, a separate permit shall be obtained for each. (p. 534)
- Applications for permits shall be on forms furnished by the Secretary. (p. 534)

d.
- Permits are valid for one year from date of issue.

e.
- Applications for permits shall be accompanied by a fee established by the Secretary. All fees shall be transmitted to the State Treasurer and deposited in the State Treasury. (p. 536)

f.
- Permits shall be granted or denied within 30 days of application. (p. 535)

5. Enforcement (SD-01):

a.
- See 4a, item 1.
- The Secretary of Education and Cultural Affairs is authorized to adopt rules and regulations for the administration and enforcement of this law.
- See 5c, item 1.
- The Attorney General or any state's attorney, at the request of the Secretary or on his own motion, may bring any appropriate action or proceeding in any court of competent jurisdiction for the enforcement of this Act. (p. 537)

b.

c.
- Permits may be revoked by the Secretary upon notice and after a hearing if the holder solicits or enrolls students through fraud, deception, or misrepresentation or upon a finding that the holder is not of good moral character. (p. 536)
- Any action of the Secretary respecting the issuance, denial, or revocation of a permit shall be subject to appeal under the provisions of another act. (p. 537)

d.
- Agents' bonds shall be conditioned to provide indemnification to any student suffering loss as a result of any fraud or misrepresentation used in procuring his enrollment.
- The aggregate liability of the surety on blanket bonds shall not exceed $1,000 for each representative. (pp. 534-535)
- School bonds shall be conditioned upon the full and faithful performance of all contracts and agreements with students. Bonds shall run to the State of South Dakota and to any student suffering damages as a result of any breaching or failing to perform any contract.
- An assignment of the contract to a third party will not be a defense for the school and it will be held liable under the bond. (p. 535)
- The fact that a bond is in force shall not limit or impair any right of recovery otherwise available, nor shall the amount of the bond be relevant in determining the amount of damages or other relief. (pp. 536-537)
- No recovery shall be had on any contract if the representative was not the holder of a permit at the time the contract was negotiated.
- Any act, or omission or violation of this law shall be a misdemeanor punishable by a fine of up to $500, imprisonment up to 90 days, or both. (p. 537)

SD-01-1

2. Application (SD-01-1):

"No postsecondary institution shall maintain, advertise, solicit for or conduct any course of instruction in South Dakota, unless otherwise exempt... without first obtaining a license...." (p. 2)

NOTE: Out-of-state institutions accredited by a regional accrediting agency shall be considered to have met the requirements of these rules and may apply for exempt status.

3. Coverage (SD-01-1):

No license shall be issued unless the Secretary first determines that:

a.

b.
- The course content, if its primary purpose is to prepare students for occupational entry or advancement, is based on the skills and knowledge required in the field and enables the majority of those available for and seeking employment after graduation to secure at least entry level positions in their field. (p. 4)
- See 4c, item 2, point 2.

c.

d.
- The applicant employs a sufficient number of qualified instructors trained by either three years of experience at the journeyman level or its equivalent, or successful completion of a baccalaureate in the specialty or as otherwise approved by the Secretary. (pp. 4-5)
- See 4c, item 2, point 6.

e.
- The applicant has satisfactory training facilities with sufficient equipment and the necessary number of work stations to adequately train students enrolled and proposed to be enrolled. (p. 4)
- The premises, living quarters, instructional space, and conditions under which students work and study meet local and state health and safety requirements. (p. 5)
- See 4c, item 2, point 4 and item 3, point 6.

f.
- The applicant has a sound financial condition with resources available to meet the institution's financial obligation to refund all unearned tuition and other charges within a reasonable time in the event of dissolution of the institution or of any justifiable claims, to provide adequate services to students, and for the proper use and support of the institution. (p. 4)
- See 4c, item 3, points 1 and 5.

g.

h.
- No license shall be issued to an institution whose contract does not contain: (1) name and address of the institution, clearly stated; (2) title and description of the course; (3) clear and conspicuous disclosure that the agreement becomes a legally binding instrument upon written acceptance of the student by the institution unless cancelled; and (4) cancellation and refund policy and disclosure of the form and means of cancellation notice, effective date of cancellation, and name and address of the person who should receive the notice. Such statements shall be clearly and conspicuously entitled "Student's or Buyer's Right to Cancel." (p. 5)

- Every institution shall publish and provide to each prospective student a catalog or brochure. Students must be given at least 24 hours to examine the catalog before enrollment. A copy shall be given upon signing an application.
- No license shall be issued until the institution has furnished a catalog containing the following general information: (1) identifying data such as volume and date; (2) name and address of the institution and its governing body and officials; (3) calendar showing legal holidays, beginning and ending dates of each term, and other important dates; (4) course outline for each course offered, showing objectives, subjects, skills to be learned, and approximate clock hours normally required; (5) schedule of fees, charges for tuition, books, supplies, activities, laboratory fees, service charges, rentals, deposits, and all other charges; (6) description of the available facilities and equipment provided; and (7) description of all available student services, including a detailed description of full- or part-time job placement assistance, if any. (pp. 7-8)
- The catalog shall also contain information on policies of the institution pertaining to the following: (1) enrollment dates and specific entrance requirements for each course; (2) leave, absences, class cuts, makeup work, and tardiness; (3) standards of progress, grading system, minimum satisfactory grades, graduation requirements, conditions for interruption, probationary period, and conditions of re-entrance; (4) student conduct and conditions for dismissal for unsatisfactory conduct; (5) refunds, including an explanation of all provisions of the refund policy requirements of these rules; and (6) granting of credit for previous education and training. (p. 8)
- Supplemental pages of information pertaining to South Dakota may be used provided they are no smaller than the other pages and are fastened in such a way as to become an integral part of the catalog. These pages shall be clearly identified as pertaining to South Dakota. If information on them contradicts other information in the catalog, it shall also be clearly indicated that the supplementary information supersedes other information.
- The catalog shall clearly indicate whether the course is a lecture, or laboratory, or combination. The approximate percentage of time for each shall be indicated. (p. 9)
- If the institution elects to use a separate catalog which contains all required information, it need not be fastened to any other catalog which may be used, but shall conform to all requirements. (pp. 9-10)
- Each institution which claims to offer a placement service shall furnish to each prospective student prior to enrollment information concerning the percentage of the previous year's graduates who were placed in the field for which trained. (p. 10)
- See 3i, items 1 and 5.
- See 4c, item 3, point 3.

f.

- The name of the institution as it appears on the application for license must appear in all advertising, catalogs, brochures, contracts, letterheads, and other written or oral references. (p. 6)
- All solicitors holding permits shall: (1) display them when requested; (2) have all advertising and promotional materials prepared by them approved by the institution, which shall accept full responsibility; and (3) when collecting money, a receipt and a copy of the enrollment agreement shall be given to the student at the time the money is collected. (pp. 11-12)

- No institution shall represent that the license represents an endorsement of any course or that it insures employment or personal earnings. (p. 16)
- No institution or representative shall falsely represent the ownership, operation, or supervision of a dormitory, eating or living accommodations, nor the location of courses.
- No institution shall represent that it is conducting a talent hunt, contest, scholarship competition, or similar test unless such is the fact and such representation is accompanied by a clear and conspicuous disclosure of: (1) the institution's name and address; (2) the fact that it is an institution; and (3) whether the course will be conducted in residence or by correspondence. The results of the test and the percentage of participants who were winners should be disclosed to prospective students prior to enrollment.
- No use of endorsements by students is permissible except with written consent and without any offer of financial compensation. Evidence shall be kept on file. (p. 17)
- No institution shall falsely represent that certain individuals are members of the faculty or advisory board, or have prepared instructional materials, or misrepresent the extent or nature of the association of any person with the institution. (pp. 17-18)
- All institutions and representatives shall: (1) refrain from derogatory statements about other institutions; (2) make no representation that anything is free when it is in fact included as part of the regular cost; (3) make no false representation that enrollments are limited geographically or in time; (4) make no false representation that graduates will be able to secure top positions because of completion of a course; (5) require that the total tuition for a course be the same for all persons at any time unless otherwise approved; and (6) maintain records adequate to substantiate any material representation of fact. (pp. 18-19)
- Each institution shall use its licensed name and complete address on all publicity and advertising.
- No institution or person connected with one shall represent that the institution is endorsed by colleges, universities, or other institutions unless this is the case and a copy of such endorsement is kept on file at the institution.
- No institution shall advertise that it is endorsed by manufacturers, business establishments, organizations, or workers or that successful completion of the course qualifies the student for admission to a labor union or for the receipt of a license unless such is the fact.
- An institution shall not advertise for enrollment in the "help wanted" or other employment columns or use "blind advertising." (p. 19)
- All advertising and promotional literature used must clearly indicate that education or occupational training and not employment is being offered. (pp. 19-20)
- An institution shall not represent that students may transfer credit to or qualify for admission at another institution if credit is not transferable or if a student must successfully complete a validation period or pass an examination.
- Accrediting agencies must be named if accreditation is used as a part of an institution's promotional claims. (p. 20)
- See 4c, item 3, point 2 regarding submission of all advertising materials.

j.
- See 3m.
- See 3l, item 8, point 6 regarding maintenance of records to substantiate advertising claims.

k. • See 3l, item 2, point 3 and item 8, point 5.
- See 4c, item 3, point 4.

l. • All institutions shall refund all tuition fees and other charges if the student gives written notice of cancellation within 15 business days after the contract was executed regardless of whether the course has started.
- When a student has been accepted and gives written notice after 15 days but before the start of the course or before the servicing of the first lesson, the institution may retain 15% of the total cost of the course or $50, whichever is less. (p. 13)
- For residence schools: When a student has been accepted and gives notice after the start of the course but before completion of 75% of the course, the amount charged shall not exceed the pro rata portion of the total charges plus 25% of the course or $100, whichever is less. After completion of 75% of the course, no refund is required. (pp. 13-14)
- For correspondence schools: When a student has been accepted and gives notice after the first lesson has been serviced, but before completion of 75% of the course, the amount charged shall not exceed the pro rata portion of the total charges plus 25% of the total cost of the course or $75, whichever is less. After completion of 75% of the course, no refunds are required. (p. 14)
- For combination institutions: Refunds shall be made according to the appropriate provisions above, provided that students are entitled to a full refund of costs of a phase if it has not begun and are responsible for the full cost of a completed phase in cases where charges for phases have been stated separately in the institution's catalog and contract. (pp. 14-15)
- Institutions shall acknowledge notices of cancellation in writing within 20 business days and shall make refunds, request return of equipment or supplies, and arrange for termination of students' additional obligations within 20 days of receipt of notification of cancellation.
- Correspondence students are not obligated to tender equipment to the institution at other than their residence; however, the student may return the equipment C.O.D. (p. 15)
- An institution cannot make its refund policy conditional on compliance with the institution's regulations or rules of conduct. (pp. 15-16)
- Cancellation shall occur on the date the letter of cancellation is postmarked or, if hand carried, the date the notice is delivered to the institution.
- The date of execution of the contract shall be presumed to be the date of delivery of the notice of acceptance or, if delivered by mail, the postmark date. (p. 16)
- See 3f, item 1.

m. • See 3b, item 1.
- No license shall be issued to an institution which offers, advertises, or implies a placement service until the institution files with the Secretary a certified copy of the institution's placement record for the past year containing the number of graduates, the percentage placed in jobs for which they were trained, and other information the Secretary may prescribe. Placement information shall be filed thereafter at intervals to be determined by the Secretary. (p. 10)
- See 3h, item 8.

n. • See 4c, item 2, point 5 and item 7.
- Every postsecondary institution shall notify each student, in writing, of his or her acceptance or rejection. (p. 12)

4. Administration (SD-01-1):

a. • The Secretary of the Department of Education and Cultural Affairs issues licenses. (p. 2)

b. • The Secretary or a delegate may inspect the instructional books and records, classrooms, dormitories, tools, equipment, and classes of any school at any reasonable time. (p. 16)

c. • Institutions wishing to be considered exempt shall make applications for exempt status on forms furnished by the Secretary. (p. 2)

• License application forms are prepared by the Secretary. Application forms shall contain the following information: (1) title of the institution, description of the ownership, and names and addresses of the controlling officers, members, managing employees, and chief administrative officer; (2) specific fields of instruction and specific objectives; (3) place where instruction will be given; (4) description of equipment and facilities for each course; (5) current enrollment and maximum enrollment for each course; and (6) qualifications of instructors and supervisors in each course. (pp. 2-3)

• The following material shall accompany the application form: (1) current balance sheet prepared on an accrual basis, income statement, and adequate supporting documentation prepared by an independent public accountant; (2) copies of all media advertising and promotional literature currently used or expected to be used in the near future; (3) copies of all enrollment agreement forms and contract forms to be used in South Dakota; (4) current schedule of tuition and other fees and the procedure for collecting and refunding tuition; (5) surety bond; and (6) copies of inspection reports by the fire department and health officials certifying that the premises and conditions under which students work and study, food service facilities, and living quarters meet health and safety requirements. (pp. 3-4)

• Applicants are not required to resubmit information for renewal, but a change shall be submitted for approval prior to instituting it.

• Institutions offering training at more than one location must obtain a license for each location and shall separately specify all of the information required. (p. 6)

• Revised catalogs shall be submitted prior to their distribution in South Dakota. (p. 9)

• Applications for solicitors' permits shall state the full name, address, previous employment, and other information required. Attached to the application shall be a certified affidavit signed by an institutional official and the solicitor attesting to the fact that the applicant has been furnished a copy, has read, and has knowledge of the provisions of the law and these regulations. (p. 10)

d. • Licenses shall expire one year from the date of issue. (p. 10)

• See 4f.

e. • Initial license fee is $100; renewal is $50. Initial permit fee is $25, renewal is $10. All fees are nonrefundable. (pp. 5-6, 10-11)

f. • The Secretary shall issue a provisional solicitor's permit if the processing of an institutional license exceeds 30 days from the date of receipt, provided that the solicitor meets all requirements of the Act and these rules. A provisional permit shall be valid for up to 60 days. If a yearly permit is then issued, it shall be valid for one year from the date on which the provisional permit was issued.

5. Enforcement (SD-01-1):

a. ● See 5c below.
b.

c. ● The following are grounds for the Secretary of Education and Cultural Affairs to refuse to issue, refuse to renew, revoke, or suspend any institution's license or solicitor's permit: (1) furnishing to the Secretary false, misleading, or incomplete information; (2) presenting to prospective students information relating to the school which is false, fraudulent, deceptive, substantially inaccurate, or misleading; or (3) refusing to allow reasonable inspection or supply reasonable information after written requests. (p. 12)

SD-02

2. Application (SD-02):

Restricts multi-district secondary occupational-vocational education centers from establishing postsecondary vocational education schools; restriction does not apply to adult education programs.

The provisions of Section 13-39 shall not apply to private business or vocational institutions except that the State Board of Vocational Education and school districts shall have the power and authority to enter into contracts with such institutions to provide vocational training. (p. 483)

A local education agency operating a postsecondary vocational education school without Legislative approval shall be ineligible for state vocational education money.

Authorizes the Board to cooperate with federal agencies in the administration of federal vocational education acts, including entering into contracts with government agencies, and receiving and expending federal funds.

3. Coverage (SD-02):

a. • The State Board of Vocational Education shall establish such rules, regulations, and standards as necessary to offer efficient postsecondary vocational education programs by controlling duplication of programs and which will afford the people of this state an equal opportunity to acquire a public vocational education. (pp. 479, 486)
   • The Director of Vocational Education shall prepare and submit a state plan for Board approval and for submission to federal agencies.

b. • The State Board shall adopt rules governing postsecondary vocational education schools regarding curriculum and standards of instruction and scholarship. (p. 487)

c.

d. • The Board of Regents shall designate one or more institutions of higher education under its control to maintain classes for preparing teachers, supervisors, and directors of vocational subjects. (p. 484)

e. • The Department of Education and Cultural Affairs shall make a periodic assessment and inventory of facilities available in all public postsecondary schools. (p. 482)
   • The Board shall have the power to acquire and operate all property for the use of vocational training and technical education. (p. 484)
   • The Board shall make rules regarding the submission of plans of local education agencies for new construction or major renovation of facilities eligible for reimbursement with federal funds.
   • School districts shall not construct student union buildings and recreational facilities for postsecondary vocational students and are restricted from using student fees to pay for such facilities. (p. 487)

f. • Districts operating postsecondary vocational education schools shall keep separate the accounting and funds. Tuition receipts and income from state and federal sources shall be deposited in the fund(s) created pursuant to this Chapter. (p. 488)
   • The annual budget of postsecondary vocational schools shall include a description of programs, a list of staff positions, and the amount for

supplies and operating expenses of programs offered. (p. 487)
- The Director shall establish fiscal control and fund accounting procedures as necessary to assure proper disbursement of, and accounting for, state and federal funds for vocational training and technical education. (p. 482)

g. - The State Board shall adopt rules relating to attendance requirements, age limits of trainees, and eligibility for attendance. (p. 487)
   - All persons who have the ability to profit from the vocational training or technical education course to which they apply may be enrolled upon application and acceptance. (p. 483)

h. - The Director shall publish the rules adopted by the Board relating to vocational training and technical education for the guidance of those charged with such responsibilities. (p. 481)

4. Administration (SD-02):

a. - The State Board of Vocational Education may recommend approval of a petition to operate a postsecondary vocational school if the school would further the educational interests of the state, more nearly equalize the opportunities in vocational education to persons who are of the age and maturity to profitably pursue studies to enter the labor market, and be of potential benefit to persons of all communities. (p. 486)

b. - The Director has the power and authority to submit for Board approval, courses of study in any vocational school in the state. (p. 481)
   - The Board has the power and authority to approve or disapprove the state plan prepared by the Director for submission to federal agencies as a requirement for vocational grants. (p. 480)
   - The Board may conduct hearings, investigate school records, and secure appropriate data relating to a proposed postsecondary vocational education school petitioning for postsecondary classification. (p. 485)

c. - The Director shall prescribe a uniform system for gathering and reporting vocational education data, for keeping adequate educational and financial records, and for the evaluation of educational progress.
   - The Director shall conduct research and compile statistics relating to vocational training and technical education within the state. (p. 482)

6. Other (SD-02):

The Board has the power and authority to consider the vocational and technical education needs of the state and make recommendations to the Governor and Legislature for changes in existing legislation. (p. 483)

In determining the state's vocational education offerings, Board policy shall be to consider state and national needs for skilled and semi-skilled workers in various trades and industrial occupations, and, within practical limitations, to keep pace with the changing needs of the state and nation for trained workers. (pp. 480-481)

TENNESSEE

1. Identification:

TN-01

Chapter 39 -- Postsecondary Education Authorization Act of 1974

Effective date: 1 July 1975

Stated purpose: "...to provide for the protection, education, and welfare of the citizens of the state of Tennessee by [establishing minimum operating standards, authorizing granting of educational credentials, regulating institutional names, prohibiting misleading advertising and solicitation, and providing penalties]...." (p. 1)

Basic effect: Requires institutions to meet minimum standards and to obtain authorization to operate and to grant degrees, diplomas, certificates, or other educational credentials from the appropriate one of two authorizing agencies named in the Act; requires agents for out-of-state institutions to obtain permits; requires both institutions and agents to secure bonds; requires institutions represented by agents to meet minimum standards; prohibits use of terms such as "university" without authorization.

Basic coverage: Private degree and non-degree granting

TN-02

Senate Bill #1732

Effective date: 17 March 1976

Stated purpose: "...to amend [TN-01]...."

Basic effect: Adds law schools subject to approval of the State Board of Law Examiners to the types of institutions exempted from TN-01.

Basic coverage: Private degree and non-degree granting

No further abstract prepared.

TN-03

House Bill #2059

Effective date: 28 March 1976

Stated purpose: "...to amend [TN-01]...."

Basic effect: Substitutes an exemption in TN-01 (see TN-01, Section 2, exemption f); substitutes a provision in TN-01 regarding acceptability of accreditation by degree granting institutions as evidence of compliance with minimum standards (see TN-01, Section 2, NOTE #2).

Basic coverage: Private degree and non-degree granting

No further abstract prepared.

TN-01-1

Rules and Regulations for Regulation of Postsecondary Education of the Tennessee Higher Education Commission

Effective date: 28 February 1975

Stated purpose:

Basic effect: Sets forth regulations for institutions offering academic degrees; elaborates standards and sets forth application requirements for institutions and their agents.

Basic coverage: Private degree granting

TN-01-2

Rules, Regulations, and Standards of Practice of the Commission on Postsecondary Vocational Education Institutional Authorization

Effective date:

Stated purpose:

Basic effect: Sets forth standards schools must meet, including specific standards for correspondence schools; sets forth application and review standards; requires agents of in-state and out-of-state vocational schools to obtain permits.

Basic coverage: Private non-degree granting (Also applies to private associate degree granting; see more specific standards for these institutions in TN-01-3.)

TN-01-3

Associate Degree Evaluation Criteria of the Commission on Postsecondary Vocational Education Institutional Authorization

Effective date:

Stated purpose:

Basic effect: Sets standards for private vocational institutions wishing to offer associate degrees (supplements TN-01-2).

Basic coverage: Private degree granting (vocational schools seeking to grant the associate degree only)

TN-04

Chapter 42 -- Tennessee Higher Education Commission

Effective date: Includes 1975 amendments

Stated purpose: Creates the Higher Education Commission "...to achieve coordination and unity in the program of public higher education...." (p. 263)

Basic effect: Assigns the Commission the duty to study the use of public funds for higher education, analyze programs and needs, develop plans and guidelines for the development and funding of higher education, and approve new degree programs and academic departments.

Basic coverage: Public degree-granting

TN-05

State University and Community College System

Effective date: Revisions through 1976

Stated purpose: Establishes "...a state university and community college system.... The government, management and control [of which]...shall be vested in a board of regents...." (p. 345)

Basic effect: Creates the Board of Regents to assume general responsibility for the operation of the State System of Higher Education, and to vest comparable authority in the Board as is authorized for the Board of Trustees of the University of Tennessee.

Basic coverage: Public degree and non-degree granting

TN-01

2. Application (TN-01).

"No person...shall: (a) Operate in this state a postsecondary educational institution...unless said institution has a currently valid authorization to operate.... (b) Offer...enrolment or instruction in, or the granting of educational credentials from, a postsecondary education institution outside this state...unless such agent...has a currently valid agent's permit..., nor accept contracts...from an agent who does not have a current permit.... (c) Instruct or educate, or offer to instruct or educate, including advertising or soliciting...or award any educational credential...in this state, whether such [school]...is located within or without this state, unless such [school]...is in compliance with the minimum standards set forth [below].... (d) Use the term 'university'...without authorization.... (e) Grant...educational credentials, without authorization...." (p. 8)

The Commission on Postsecondary Vocational Education Institutional Authorization authorizes and regulates postsecondary degree granting and non-degree granting vocational educational institutions. The Tennessee Higher Education Commission authorizes and regulates postsecondary educational institutions offering academic degrees. The word "Commission," as used below, may refer to either or both, depending on the context. See TN-01-1, Section 2 for further clarification.

"Degree granting postsecondary educational institutions" include academic and vocational institutions awarding credentials such as associate degrees and higher. "Vocational Junior Colleges of Business" and "Vocational Technical Institutes" are defined; these offer 2-year associate degrees.

"Nondegree granting postsecondary vocational education institutions" include all postsecondary vocational education institutions not offering any degree. (pp. 2-3)

Exemptions:

a. Elementary and secondary schools
b. Education sponsored by a bona fide trade, business, professional, or fraternal organization, recognized by the Commission, solely for the organization's membership or on a no-fee basis
c. Education solely avocational or recreational as determined by the Commission
d. Education offered by eleemosynary organizations recognized by the Commission, if not advertised as leading to educational credentials
e. Institutions operated by the state (p. 3)
f. Degree granting institutions accredited by the Southern Association of Colleges and Schools or another regional accrediting agency which is a member of the Federation of Regional Accrediting Commissions or the Council on Postsecondary Accreditation (COPA) as of 1 July prior to the year authorization is sought (TN-03)
g. Barber schools and schools of cosmetology (p. 3)
h. Law schools subject to State Board of Law Examiners' approval (TN-02)

NOTE: See exemption f regarding accreditation.

NOTE: Accreditation by an agency recognized by the National Commission on Accrediting or by COPA may be accepted as evidence of compliance with minimum standards. (TN-03)

NOTE: "Agent" means a person representing an institution located outside the state. (p. 2)

NOTE: Criteria to be developed under this Act shall not unreasonably hinder legitimate educational innovation. (p. 5)

NOTE: For postsecondary vocational educational institutions, accreditation by a USOE-recognized agency may be accepted as evidence of compliance with minimum standards. (p. 7)

NOTE: See 4c, item 2 regarding information out-of-state institutions must submit.

3. Coverage (TN-01):

In establishing criteria, the Commission shall require compliance with the following minimum standards for institutional operation and agent qualifications.

a.

b. • That quality and content of each course of instruction may reasonably and adequately achieve the course's stated objectives.

c. • That upon satisfactory completion of training, the student is given appropriate educational credentials.
- See Section 2, first paragraph, prohibition (a).

d. • That officers, trustees, directors, owners, administrators, supervisors, staff, and instructors are of good reputation and character.
- That the institution has adequate personnel to provide education of good quality.
- That education and experience qualifications of directors, administrators, supervisors, and instructors reasonably insure that students will receive education consistent with course objectives.

e. • That the institution has adequate space, equipment, and instructional materials to provide education of good quality.
- That the institution is operated in compliance with all laws, ordinances, and regulations relative to safety and health.
- That any student housing maintained or approved by the institution is appropriate, safe, and adequate.

f. • That the institution is financially sound and capable of fulfilling its commitments to students. (pp. 6-7)
- The Commission may require applicants for authorization to operate to file bonds in the penal sum of $10,000 or other sum as the Commission provides. Bonds may be continuous.
- Applications for agents' permits shall be accompanied by bonds in the penal sum of $10,000 or other sum as the Commission provides. Blanket bonds shall cover each agent in the penal sum of $5,000 or other sum. Bonds may be continuous. (pp. 14-15)

g.

h. • That the institution provides interested persons, including prospective students prior to enrollment, with a catalog describing programs offered, program objectives and lengths, schedule of all tuition and charges necessary for completion of a course of study, cancellation and refund policies, other material facts reasonably likely to affect student enrollment decisions, and other disclosures specified by the Commission.

i. ● That neither the institution nor its agents engage in advertising, sales, collection, credit, or other practices which are false, deceptive, misleading, or unfair.

● An applicant for an agent's permit shall be of good reputation and shall represent only an institution meeting minimum standards and criteria.

● See Section 2, prohibition (d) regarding unauthorized use of the term "university." Intent of this prohibition is also to bar similar terms.

● See 3f, item 3 regarding agents' bonds.

j. ● That the institution maintains adequate records to show attendance, progress, or grades.

● If an institution discontinues operation, it shall file records with the appropriate Commission, as the Commission specifies, containing academic information required by colleges considering students for transfer or advanced study and academic records of each former student.

k. ● See 3i, item 1.

● Agencies loaning money or extending credit to persons for any charges for educational services shall cause any evidence of indebtedness to be conspicuously marked on its face, "Student Loan."

l. ● That the institution has a fair and equitable cancellation and refund policy.

m.

n. ● That satifactory standards of attendance, progress, and performance are enforced. (pp. 6-7)

4. Administration (TN-01):

a. ● See Section 2, paragraph 2.

● The appropriate Commission establishes minimum criteria for institutional authorization to operate and for agents' permits, and promulgates regulations for implementation of this Act in regard to institutions under its jurisdiction. (pp. 5-6)

● The appropriate Commission has power to require institutional bonds before authorizing operation and to require further evidence of compliance with minimum standards from accredited institutions under its jurisdiction. (pp. 7, 14)

● See 4g, all items.

b. ● The appropriate Commission receives, investigates as it deems necessary, and acts upon applications for authorization to operate and for agents' permits. (p. 5)

● Renewal applications shall be reviewed and acted upon as described in item 1. (p. 9)

c. ● Applications for institutional authorization shall be made on forms provided and accompanied by a catalog (described in 3h), information required by Commission regulation, bond, and fee. (pp. 8-9)

● Agents' permit applications shall be made on forms provided, accompanied by evidence of applicant's good reputation and character and a statement of institution(s) to be represented (if institutions are of more than one ownership, separate permits are required); if the institution(s) are not authorized to operate in Tennessee, application shall also be accompanied by information required of institutions making application for such authorization. (p. 10)

- Authorizations to operate are not transferable to new owners. (p. 9)

d.
- Institutional authorization shall not be issued for more than 1 year. Agents' permits shall not be good for more than 1 year. Each may be issued for a lesser period. (pp. 9, 10)

e.
- Authorization fee shall be $100, renewal fee $25; agent's permit fee and renewal shall be $25.
- Fees shall be credited to the General Fund and none shall be subject to refund. (pp. 15-16)

f.
- See 4d.
- A grant of authorization to operate may be on terms and conditions the Commission specifies. (p. 9)
- The appropriate Commission may issue provisional authorization to operate, containing such limitations as to time, procedures, functions, or other conditions as it deems necessary. (p. 10)
- Applicants for renewal of authorizations or permits may be granted extensions of reasonable time to eliminate reason(s) for denial if the applicant has demonstrated desire to meet standards and criteria and if the appropriate Commission judges this to be possible. (p. 11)

g.
- The appropriate Commission maintains a list of authorized institutions and agents; it shall be available for information to the public.
- The appropriate Commission may enter into reciprocity agreements with similar agencies in other states to effectuate purposes of this Act.
- The appropriate Commission maintains permanent files of academic records which it receives or seizes. (pp. 5-6)

5. Enforcement (TN-01):

a.
- The appropriate Commission may deny applications for authorization or permit, hold hearings, revoke or make conditional such authorization or permit, issue cease and desist orders, investigate complaints, issue subpoenas, require answers under oath, award damages, and impose penalties provided, seize student records without court order if these appear to be in jeopardy, obtain temporary restraining orders, or, on its own motion or written complaint of any person, file a petition for injunction against any person(s) violating this Act, regulations, or Commission orders. (pp. 11, 13. 18, 19)
- The State Attorney General or any district attorney may, at Commission request or on their own motion, bring any appropriate action including injunctive or criminal proceedings. (p. 18)
- See 5b, items 2 and 3.
- See 5d, item 5.

b.
- See 5a, item 1 regarding petitions for injunction.
- The appropriate Commission may investigate as it deems necessary, on its own initiative or in response to a complaint, any person(s) subject to or reasonably believed to be subject to this Act, and may issue subpoenas and require answers under oath. (p. 6)
- Any person or class of persons claiming loss due to institutional or agent acts or practices which are violations of this Act or regulations may file a verified complaint with the appropriate Commission setting forth the alleged violation and other information the Commission requires. Complaints may also be filed by Commissioners and the Attorney General. The Commission shall investigate and may attempt to effectuate a settlement by persuasion and conciliation. Time limits for notification are given.

c.
- Applications or renewal applications for authorization or permit may be denied if the applicant fails to meet criteria. If application is denied, the applicants shall be notified of reasons. If agent's permit is denied, the institution represented shall also be notified. Opportunity shall be given for a hearing before the Commission, at which counsel may be employed and evidence presented. Time limits are stated. Commission decision shall be final. See 4f, item 4 regarding Commission's power to grant time extensions for correction of deficiencies.
- Authorizations or permits may be revoked or made conditional after notice and hearing as described above if the appropriate Commission has reasonable cause to believe the holder is violating this Act or regulations.
- Commission decisions may be reviewed by courts of competent jurisdiction by action of aggrieved parties within time limits. The court may postpone the effective date of Commission action for cause. Review shall be made of all hearing evidence and proceedings, and the court may affirm the Commission decision or set it aside for stated reasons. Court action shall be subject to appellate review. (p. 14)
- Authorizations and permits are suspended by operation of law if bond coverage ceases. (p. 15)

d.
- Institution and agent bonds shall be conditioned to provide indemnification to students, parents, or classes thereof determined to have suffered loss as a result of acts or practices by the institution or agent which violate this Act or its regulations. The bonding company shall pay any final, nonappealable judgment rendered by the appropriate Commission or court, but aggregate liability shall not exceed penal sum. (pp. 14-15)
- If a contract is entered into by a Tennessee resident, the following agreements therein shall not be valid: (1) law of another state applies; (2) maker of the contract consents to another state's jurisdiction; (3) another person is authorized to confess judgment on the contract; or (4) venue is fixed. (p. 16)
- Contracts with unauthorized institutions or agents without permits are unenforceable.
- A lending agency failing to mark "Student Loan" on the face of evidence of student indebtedness shall be liable for any damages suffered by a subsequent assignee on account of absence of such notation.
- Person(s) violating the basic prohibitions of Section 2 or failing to deposit required records with the Commission shall be subject to a civil penalty not exceeding $500 for each violation or day of violation, which may be imposed by the Commission or court. Such persons shall also be guilty of a misdemeanor for each violation or day of violation, and such criminal sanctions may be imposed by a court of competent jurisdiction. (pp. 17-18)
- See 5a, items 1 and 2.
- In order to seek an injunction, it shall not be necessary for the Commission to prove it has no adequate remedy at law.
- Right of injunction shall be in addition to other legal rights of the Commission and rights of criminal prosecution provided by law.
- Commission action with respect to alleged violations shall not operate as a bar to action for injunctive relief. (p. 19)

e.
- Service of process may be made by personally serving summons on the defendant within or outside the state in accordance with the Tennessee Rules of Civil Procedure. (p. 18)

TN-01-1

2. Application (TN-01-1):

See TN-01, Section 2, first paragraph for basic prohibitions.

For administrative purposes, the Tennessee Higher Education Commission regulates institutions awarding baccalaureate or higher degrees and those awarding two-year academic (not designed as job entry training) degrees if the institutions are accredited or could be accredited by the Southern Association of Colleges and Schools. All other degree and non-degree granting institutions are regulated by the Commission on Postsecondary Vocational Education Institutional Authorization.

If an institution or agent is not satisfied with the jurisdictional determination of the Commission or if the appropriate jurisdiction is unclear, the institution's chief executive officer and the chief executive officer of each Commission shall jointly review evidence related to institutional mission. Institutions shall not apply for authorization by both agencies unless advised to do so by a regulatory Commission. (pp. 1-3)

This document comprises regulations governing academic degree granting institutions and procedures of the Tennessee Higher Education Commission only. See TN-01-2 for regulations governing vocational institutions.

Exemptions: See TN-01.

NOTE: Properly accredited degree granting institutions are exempt from this Act (see TN-01). But see introduction to Section 3 regarding relevance of efforts toward obtaining accreditation in seeking authorization to operate.
NOTE: See 4c, items 2 and 3 regarding institutional intent to seek accreditation.
NOTE: See introduction to Section 3 regarding use of standards of the Commission on Postsecondary Vocational Education Institutional Authorization in place of standards of the Higher Education Commission for certain schools.

3. Coverage (TN-01-1):

An institution regulated by the Tennessee Higher Education Commission may be authorized to operate in one of two ways: (1) by demonstrating that it can be operated in a manner in which it can make a reasonable good faith effort towards accreditation by an agency recognized by the National Commission on Accrediting; or (2) by demonstrating that it can meet minimum standards stated in the Act and further defined in 3a-n below (or standards of the Commission on Postsecondary Vocational Education Institutional Authorization, if the institution awards only a minimum number of baccalaureate degrees and most of its programs would normally not be regulated by the Higher Education Commission). (pp. 1-3)

a.
- An institution should clearly define its purpose, and all its activities should be in harmony with this purpose.
- An institution's administrative organization should be designed to facilitate accomplishment of its purposes. Policy development procedures

should be clearly defined; administrative responsibilities should be clearly assigned and an effective administrative pattern defined.
- See 3b, item 1; 3c, item 1; 3e, item 2; 3g; and 3n, item 1.

b.
- Educational program and purposes must be related, as demonstrated by the content of curricula and the instructional methods and procedures used. (p. 3)
- Requirements are given for special activities (e.g., external degree programs, short courses) and graduate programs. (pp. 5-8)

c.
- Educational program and purposes must be related, as demonstrated by requirements for receipt of credentials. (p. 3)

d.
- Policies concerning selection, development, and retention of faculty shall be related to fulfillment of institutional purposes and shall demonstrate academic preparation and experience as significant factors. (p. 4)

e.
- Library shall be administered as part of the academic program. Selection of materials should involve faculty members. Materials shall be adequate to institutional purposes, current, and easily accessible to students.
- Physical facilities shall be designed and maintained to serve the needs of the institution in relation to its stated purpose. (pp. 4-5)

f.
- Adequacy of institutional financial resources shall be judged in relation to its purposes, program scope, and number of students. Business management should be based on educational planning and should exhibit sound budgetary control, proper records, reporting, and auditing. (p. 4)
- See TN-01, 3f, items 2 and 3 concerning institutional and agent bonding. These regulations make an institutional bond required, not optional. (pp. 12, 15-16)
- See 4c, item 1, point 10.

g.
- Educational program and purposes must be related as demonstrated by admissions policies. (p. 3)
- See 3n, item 2.

h.
- See 4c, item 1, point 7.

i.
- See 4c, item 1, point 1 concerning institutional names, and item 4, point 2 concerning agent qualifications.

j.

k.

l.
- See 4c, item 1, point 7.

m.
- See 4c, item 1, points 7 and 9.

n.
- Educational program and purposes must be related as demonstrated by quality of work required of students. (p. 3)
- Student development service objectives shall be clearly defined and evaluated periodically as to effectiveness in meeting student needs and contributing to educational purposes. Such services shall demonstrate concern for programs of orientation and for counseling throughout enrollment. (p. 4)
- Requirements are stated for research policies. (p. 8)

4. Administration (TN-01-1):

a.
- See Section 2 for jurisdiction of the Tennessee Higher Education Commission. The Commission approves schools and agents and may inspect schools.

b.
- Review of institutional applications for completeness and adequacy of information takes place during the two months prior to the authorization

period, which begins 1 September. If efforts toward accreditation cannot be documented, the institution must provide financial support for an evaluation of the accuracy of the application, the institution's capability to conduct programs, and other questions by Commission staff and qualified personnel from accredited institutions.

- Special requirements were given for institutions applying for initial authorization when the Act first took effect; these included provisional authorization for 1 year. (pp. 13-15)
- Agent authorization applications will be reviewed prior to 1 July for completeness, consistency, and authenticity by Commission staff, which will make recommendations to the Commission. (p. 16)

c. ● Applications for institutional authorization shall consist of a descriptive inventory containing, as applicable, the following information (in the catalog if the information already exists therein): (1) official institutional name, consistent with and appropriate to programs offered; (2) organizational structure as related to its charter, founding body, etc., including the governing board and their qualifications; (3) policies concerning faculty and administration appointments, tenure, and dismissal; (4) complete lists of current full-time and part-time faculty with their education and experience and former faculty with reasons for separation; (5) each faculty member's teaching and other responsibilities; (6) description of amount and adequacy of facilities, instructional equipment, and instructional materials; (7) copies of catalogs or brochures describing the programs offered and their lengths and objectives, plans for securing follow-up data on former students, schedule of tuition, fees, and all other necessary expenses, refund policy, and student records available to prospective employers and receiving institutions; (8) list of student assistance programs provided by public funds, with total students and dollars involved over the past 2 years in each program; (9) programs and credentials offered and students enrolled for the past 3 years, with percent of enrollees failing to complete their courses, achieving related employment, or continuing their education at another institution; (10) sources, kinds, and amounts of finances, including audited verified financial statement and latest operating financial statement, both prepared by a CPA; (11) description of any investigation during the last 3 years by an accrediting, licensing, or governmental agency; (10) any major institutional changes planned; (13) a statement confirming that the institution will be administered in accordance with the Act and regulations; (14) a list of all recruiters employed and a statement confirming that all institutional representatives will comply with the Act and regulations; (15) fee; and (16) bond. Applications should be signed by the applicant, all partners, or corporate president and secretary, and certified as to correctness.

- Each applicant institution should forward a statement of intent as to whether it desires to seek authorization by progressive action towards accreditation or by meeting minimum standards. Institution not seeking accreditation should indicate reasons. (p. 9-12)
- See introduction to Section 3. If first method is to be used, the institution shall submit a complete application and documentation of agreement with an accreditation agency stating that it is actively seeking accreditation and listing steps to be taken in the forthcoming authorization period. If second method is to be used, a complete application and financial support for an evaluation, as described in 4b, item 1, shall be provided. (p. 13)
- Agent applications shall include: (1) full legal name and signature, residence and business address, age, background training, and experiences;

(2) information and references related to experiences, reputation, and integrity, as the form requires; (3) an affidavit that institution(s) will be represented honestly and accurately in harmony with the Act and descriptive institutional materials; (4) fee; and (5) bond. (pp. 15-16)

d. • Institutional approval expires annually on 31 August. Agent approval is for 12 months. (pp. 12, 15)

e. • See TN-01, 4e regarding fee amounts.
   • See 4b regarding institutional responsibility for cost of evaluations.

f. • See TN-01, 4f, item 4.

5. Enforcement (TN-01-1):

a. • See TN-01.
b.

c. • Causes and procedures for denial of authorization to operate as an institution or as an agent are summarizations of provisions of TN-01.

TN-01-2

2. Application (TN-01-2):

See TN-01-1, Section 2 for description of jurisdiction of the Commission on Postsecondary Vocational Education Institutional Authorization.

No out-of-state school shall be considered for approval if it is not approved in its home state. (p. 14)

All agents of approved Tennessee schools covered by these regulations will register and obtain permits in the manner of agents of out-of-state institutions (see TN-01), except bond and fees are apparently not required. (p. 15)

Decision as to whether programs other than business, trade, or technical are academic or vocational for purposes of these regulations will be reached by a conference of school officers and chief executive officers of the Commission and the Tennessee Higher Education Commission. (p. 2)

Exemptions: In addition to institutions exempted by TN-01, the following exemptions are included or further defined:

a. Schools or flight instructors teaching students only up to the private pilot rating.
b. Schools offering the baccalaureate or higher degree.
c. Schools offering associate degrees in academic areas. Associate degrees in business, trade, or technical programs do not qualify as academic degrees and are subject to these regulations.

NOTE: See items in 3b, 3d, 3e, 3h, 4c, and 5c for special provisions for correspondence schools.

NOTE: Accreditation of non-degree granting vocational education institutions or programs by USOE-recognized agencies will be accepted as evidence of that institution's or program's compliance with minimum standards until 1 September 1977. Accreditation of degree granting vocational education institutions by agencies recognized by the National Commission on Accrediting will be accepted as evidence of that institution's compliance with mininum standards until September 1, 1977. In either case, the Commission may require further evidence and make further investigation. After 1 September 1977, the Commission may accept accreditation as evidence of compliance with certain standards (those applying to correspondence schools, those described in TN-01-3 applying to associate degree granting schools, and those in 3b, items 1 and 2; 3c; and 3d, item 1). (pp. 10-11)

NOTE: See paragraph 3 above for different requirements for in-state school agent licensing.

3. Coverage (TN-01-2):

NOTE: Approval for associate degree programs requires compliance with more rigid standards than those for non-degree granting schools. See TN-01-3 for these requirements.

a.

b. • Degree granting schools may operate on a quarter, semester, or credit hour basis.

- Class period shall be 50 minutes at minimum.
- Correspondence courses shall consist of the following: (1) a preliminary lesson on "How to Study" by the home-study method, or adequate instructions on how to study each lesson assignment; (2) textual or lesson materials which are adequate, accurate, current, presented in a simple, clear, interesting, and logical manner, illustrated to clarify the explanations, and printed so as to contribute to ease of study; and (3) instructional service on each unit assignment, consisting of examination questions or problem assignments which thoroughly stress the important phases of the subject and which require a demonstration of the student's skill in applying information, and individualized correctional service pointing out errors, directing the student to correct information, and supplying additional explanations and supplementary instructional material when necessary.
- Correspondence schools may offer resident training in shops, schools, or laboratories if those located in Tennessee are approved by the Commission. (pp. 4-5)
- c. Standard credentials shall be issued only upon completion of an approved course of duration meeting or exceeding mininum standards.
- d. Specific maximum pupil-teacher ratios are recommended for five areas, ranging from 30:1 to 50:1. These may be varied at Commission discretion. (p. 3)
- Correspondence schools shall designate one person as director, who shall be qualified for competent and ethical administration of the school and shall present evidence of this. Correspondence school directors shall have adequate administrative assistance to adequately staff the school. (p. 4)
- Each school shall designate one person as director, who must devote full time while the school is in session to administration of the school, including teaching responsibilities, if any.
- Instructors must meet the following mininum requirements: (1) be of the age of majority; (2) be of good moral character; (3) possess a high school diploma or general equivalency certificate (in rare cases this requirement may be waived by the Commission); (4) hold all ratings, licenses, and certificates legally required to be employed in the field; (5) demonstrate up-to-date knowledge and continuing professional improvement in the particular area of instruction obtained by formal courses, employment in the area taught, seminars, or similar activities; and (6) be physically and mentally competent to teach, as determined by the management of the school.
- In addition to basic requirements set out above, instructors in private business schools shall: (1) hold a baccalaureate degree from a recognized institution with major emphasis in subjects related to those to be taught, or have education and experience comparable to that required for certification of commercial teachers by the State Department of Education; or (2) complete a minimum of 1 year in related subjects at a recognized college or university or approved business school, and 5 years additional preparation by a combination of additional years of study and related business experience.
- In addition to basic requirements set out above, instructors and administrators in trade, technical, or industrial schools shall: (1) possess one of the following types of educational background: two years of recent, successful, and relevant teaching experience; bachelor's degree applicable to the area; or two years of work experience as a full time wage earner in the area; and (2) possess one of the following types of work experience: minimum of two years of successful work experience as a full time wage

earner in the area; or minimum of two years of specialized training and/or teaching experience in the area.

- In addition to basic requirements set out above, instructors and supervisors in paramedical programs shall: (1) possess professional qualifications in the area, preferably with a degree from an accredited college or university, with at least 2 years recent occupational experience or a comparable amount of acceptable education and experience; (2) if the job objective for which the course is offered requires licensure or certification, the instructor/supervisor must hold the licensure or certificate; and (3) any requirements stipulated by the State Department of Public Health or other regulatory agency must be met.
- In addition to basic requirements set out above, instructors and supervisors in correspondence schools shall: (1) possess a combination of at least six years of higher education, teaching, and work experience closely related to subjects taught. Assistants without these qualifications may grade papers under direction; (2) if a correspondence school offers resident-training courses in conjunction with home-study courses, instructors and supervisors for such courses must meet appropriate qualifications required by these rules for other residence schools.
- In addition to basic requirements set out above, instructors or supervisors of other special subjects shall have: (1) adequate preparation for teaching applicable to course(s) to be taught; (2) sufficient background of applicable work experience; and (3) sufficient applicable teaching experience.

e.
- See 3b, item 3, last paragraph.
- See 4c, item 9.

f.
- See Section 2, paragraph 3 regarding different requirements for in-state school agent licensing.
- See 3j, item 2, point 3.
- See 4c, item 3.

g.
- Admission policies must be based on institutional objectives, publicly stated, and administered as written. Admission policies must be effective and require high school graduation or equivalent as prerequisite to regular enrollment.
- Programs of special education or for special students (e.g., limited, non-degree, or non-diploma) may have special admissions policies; students need not be high school graduates but must be fully qualified to study subjects for which they enroll and must be beyond compulsory school age. (pp. 2-3)

h.
- If a correspondence school advertises a completion period of resident training, the contract shall show: (1) basis for qualifying for admission to resident training; (2) location of shop, laboratory, or school; (3) schedule of periods of instruction; (4) number of days of instruction to which a qualified student is entitled; (5) description of facilities; (6) amount of tuition required, if any, for attendance at resident training; (7) student responsibility for paying cost of transportation and room and board during the resident training; and (8) books, supplies, and tools furnished by the school and items, if any, that must be purchased by the student. (p. 5)
- School catalog shall include the following: (1) name and location of the school; (2) identifying data such as volume number and date; (3) calendar of the institution showing legal holidays, beginning and ending date of each quarter, term, semester, or course, and other important dates; (4) institution's policy relative to leave, absences, class cuts, make-up work, tardiness, and interruption for unsatisfactory attendance; (5) institution's policy on enrollment dates and specific entrance

requirements for each course; (6) institution's policy relative to standards of progress required of students, including description of the grading system, minimum grades considered satisfactory, conditions for interruption for unsatisfactory progress and description of any probationary period allowed, requirements for re-entrance for students dismissed for unsatisfactory progress, and statement regarding progress records kept by the institution and furnished to the student; (7) institution's policy relating to student conduct and conditions for dismissal for unsatisfactory conduct; (8) detailed schedule of fees, charges for tuition, service charges, rentals, deposits, and all other charges; (9) policy relative to refunds; (10) description of available space, facilities, and equipment; (11) course outline for each course for which approval is requested, showing subjects or units of the course, type of work or skill, and approximate time to be spent; (12) policy relative to granting credit for previous educational training; (13) names of the school's administrators, officers, and directors; (14) graduation or completion requirements and educational credentials earned; and (15) approximate time to complete the course and any charges for exceeding time allotted.

- Printed catalogs or information must be specific with respect to prerequisite training required for admission to the school courses, the curricula, the contents of the courses, and graduation requirements.
- When a school previously approved to offer a course fails to maintain qualifications for continuing the course, the course shall be removed from the catalog or stamped "not offered." Schools shall not publish in their catalogs courses which they have not been approved to offer. (pp. 8-9)
- See 4c, item 4, point 15.

1. - See 4c, item 4, point 10.
- See 4c, item 11, point 1 regarding agent qualifications.
- Neither schools nor representatives shall engage in advertising, sales, collection, credit, or other practices of any type which are false, deceptive, misleading, or unfair. There must be no misrepresentation as to suitable jobs, probable earnings, or school placement activities. Schools and representatives shall not promise or guarantee placement or starting salary of graduates either directly or by implication. They may, however, state the type of placement service furnished to assist students and graduates.
- An approved school shall not advertise that it offers courses that it has not been approved to offer.
- Schools holding a franchise to offer specialized courses or subjects not open to other schools shall not advertise such courses so as to impugn the value and scope of courses offered by other schools not holding such franchise. Advertising of special subjects or courses offered under a franchise shall be limited to the subjects or courses offered.
- Schools shall not use any name, title, or other designation that is misleading or deceptive as to character of the institution, its courses of instruction, or its influence in obtaining employment for students.
- Schools shall not use any illustration so as to convey a false impression as to school size, importance, location, or equipment.
- Schools shall not use endorsements by students unless with consent of the writer and without any offer of financial compensation. Such material shall be kept on file by the school.
- Schools shall not make or publish any false, untrue, or deceptive state-

ment or representation concerning other schools or their activities, the character, nature, quality, value, or scope of any educational service offered, or any other material respect.

- Schools shall not solicit students to enroll by means of advertisements in the "help wanted" or other employment columns of newspapers and publications.
- Schools shall not make false, untrue, or deceptive statements or representations regarding opportunities in any vocation or field of activity as a result of completion of any given course of instruction.
- Offering courses at prices reduced from marked-up or fictitious prices with the tendency or capacity to deceive is an unfair school practice and is prohibited.
- Failure to maintain tuition rates as published is grounds for suspension or revocation of approval.
- No school officer or representative shall knowingly solicit any student to leave any school in which he is enrolled when a registration fee has been paid or he is in attendance. (pp. 16-17)
- No school may advertise or solicit students until a temporary approval has been granted. (p. 14)
- See 5d, item 3.

j. ● See 3h, item 2, point 6.

- School records shall be current, complete, and accurate, and shall show the following: (1) student educational and personal background, age, and other personal characteristics which will be helpful to prospective employers; (2) progress and attendance including dates attended, subjects studied, grades earned, and time. This record shall be in a form which permits easy and accurate preparation of transcripts for purposes of transfer and placement, reports to government services or agencies, or other purposes. Such transcripts shall conform to a standard form approved by the Commission; and (3) financial records of the school, open for inspection by the Commission.
- See 3i, item 8, last sentence.
- Records of present or past students shall be available for Commission inspection and copying pursuant to student permission or a subpoena. (p. 9)

k. Institutions may offer textbooks and supplies for sale, but may not require students to purchase them at the school. (p. 8)

- See 3i, items 3, 12, and 13.

l. ● Schools accredited by a USOE-recognized agency shall comply with the agency's refund policy. Unaccredited schools shall comply with the refund policy of the agency which accredits similar programs.

- If no accrediting agency exists, schools shall comply with the following policy: (1) a school must have a refund policy and it must provide for an approximately pro rata refund; and (2) schools shall not retain or collect more than $50 in advance of the beginning of the term, or receipt of the first lesson by the student in the case of correspondence schools.
- Schools shall comply and keep up-to-date with federal or state laws and regulations concerning refund policies. (p. 10)

m. ● See 3i, item 3.

n. ● Schools shall enforce satisfactory standards related to attendance, progress, and performance. (p. 9)

4. Administration (TN-01-2):

a. ● See TN-01-1, Section 2 for jurisdiction of the Commission on Postsecondary Vocational Education Institutional Authorization. The Commission approves schools and agents and inspects schools prior to approval.

b.
- The Commission shall inspect schools from time to time. (p. 1)
- Upon receipt of a complete application, the Executive Director of the Commission shall appoint a qualified inspection committee. After a thorough inspection of program and facilities, the Director shall issue a temporary certificate of approval for 3 months to schools meeting standards. Final approval will be considered at the Commission's next regularly scheduled meeting. If the applicant has not obtained sufficient and suitable equipment and faculty and begun conducting classes within the 3-month period, final approval will be automatically withdrawn, except that in extenuating circumstances a second 3-month temporary approval may be granted. If this expires before active operation of the school has begun, no further action will be taken on the application. An on-premises inspection will be conducted by the Director or staff when temporary approval expires to determine that active operation has begun. (pp. 13-14)

c.
- Changes in school location require Commission approval.
- Correspondence schools shall furnish information and reports as the Commission deems necessary. (p. 4)
- A school shall annually submit an operating statement and balance sheet, prepared by a public accountant or certified public accountant, within 4 months following the end of its fiscal year. (p. 9)
- The following information will be submitted with applications: (1) title or name of the school, ownership, and controlling officers; (2) specific fields and courses of instruction; (3) place(s) where such instruction and/or student housing will be given and a description of physical and sanitary facilities; (4) specific listing of equipment available for each course; (5) educational and teaching qualifications of instructors and supervisors, active, full-time, and part-time; (6) latest financial statement and balance sheet prepared by a certified public accountant or public accountant, no more than 12 months old; (7) conduct of the school in accordance with standards and regulations from time to time established by the Commission; (8) surety bond; (9) agreement to allow the Commission to inspect the school from time to time, and to make available to the Commission at any time when required to do so, information pertaining to school activities; (10) assurance that all advertising and solicitation will not be misleading and will be free from misrepresentation or fraud; (11) agreement to inform the Commission within a reasonable time in advance if a change of ownership is contemplated; (12) agreement to submit teacher or supervisor approval forms, preferably before, but in no case more than 15 days after, date of employment; (13) agreement to notify the Commission within 15 days after the termination of a teacher or supervisor; (14) agreement to inform the Commission of approvals received or sought to solicit students in other states (required of Tennessee-domiciled schools only); and (15) agreement to provide the Commission with an enrollment application and student contract. The refund policy must appear in the student contract.
- Schools applications must be signed by the persons, partners, or corporate president and secretary making application. If a corporation is applying, all officers should be listed.
- School applications shall be accompanied by bond and fee.
- Separate approvals are required for separate branches. Branches are schools offering more than one subject at a time or not within convenient walking distance.

- Approval of additional courses or fields requires a supplementary application.
- Included in the application shall be information pertaining to school building ownership, length of lease, time in present quarters, rooms normally utilized for offices, classrooms, assembly, and other purposes. Total number of square feet of floor space shall be listed in the application, along with square feet in library and number of volumes, if one is maintained. Available equipment will be listed along with number and kind of sanitary facilities. A brief description of both equipment and sanitary conditions will be given. If courses requiring specialized equipment are offered, such as computer programming, availability of such equipment must be established by a statement of ownership or agreement of accessibility (such as a lease or shared-time agreement). (p. 12)
- An institution's renewal application shall be submitted by 1 July containing: (1) any change of information since original approval; (2) copy of current catalog with a letter citing significant changes from the previous catalog; (3) any supplementary information necessary to bring information on the school up to date; (4) latest financial statement and balance sheet prepared by a certified public accountant or public accountant, no more than 12 months old; (5) renewal fee; and (6) enrollment report for the previous year indicating the number of students who attended and the number of full-time equivalent students. (p. 13)
- Agent applications shall be accompanied by: (1) recommendations of two reputable persons certifying the applicant to be truthful, honest, and of good reputation, and recommending that the permit be granted; (2) fee; and (3) bond. (pp. 14-15)
- If a certificate of approval or permit is revoked, it shall be returned to the Commission. (p. 15)

d. ● Schools shall be approved annually before 1 September. Agents' permits expire annually on date of issue. (pp. 13, 15)

e. ● See TN-01, 4e for fee amounts.
- No fee will be charged for approval of new courses. (p. 12)

f. ● The Commission may grant approval, provisional approval, postponement, or disapproval of school applications. (p. 3)
- See 4b, item 2.
- See 5c, item 5.

5. Enforcement (TN-01-2):

a. ● The Commission may investigate schools and deny, suspend, or revoke approval or permit. (p. 15)

b. ● The Commission may make special inspections to investigate complaints. (p. 1)

c. ● Failure of a correspondence school to provide information requested or to conform to standards shall be good and sufficient reason for refusal or revocation of approval or permit. (p. 4)
- See 4b, item 2 concerning reasons for denying final approval.
- The following are reasons for suspension or revocation of approval or permit: (1) willful violation of any provision of the Act or regulations; (2) furnishing false, misleading, or incomplete information to the Commission or failure to furnish information requested; (3) discovery that any applicant has entered a plea of nolo contendere or been found guilty of any crime involving moral turpitude; (4) discovery that any

applicant is addicted to the use of any narcotic drug, has been found mentally incompetent, or has been convicted of any subversive activity; (5) willful violation of any commitment made in an application for a certificate of approval; (6) presenting to prospective students information relating to the school which is falsely misleading or fraudulent regarding employment opportunities or possibilities of receiving credit for training from institutions of higher learning; (7) failure to provide or maintain premises or equipment in a safe and sanitary condition as required by applicable laws, regulations, or ordinances; (8) refusal by an agent to display his permit upon demand; (9) failure to maintain financial resources adequate for the satisfactory conduct of courses or to retain a sufficient and qualified instructional and administrative staff; (10) conducting instruction in a course or field which has not been approved by the Commission; or (11) loss of accreditation.

- Prohibitions set out in 3i and 3k also constitute reasons for revocation.
- The Commission may grant reasonable time to a school to correct a situation before proceeding to a hearing for revocation, except for causes in item 3, points 3 and 4 of this section. If the situation is corrected in that time no further action will be taken.
- If an application is received from a school or agent which the Commission knows to be under indictment or prosecution by a state or federal agency, the Commission may delay approval for a reasonable period until investigation has been resolved to the Commission's satisfaction. (p. 14)

d.
- See 3j, item 4.
- If a school ceases operation, its certificate becomes null and void.
- If a certificate is suspended, the school may continue to conduct classes with Commission approval, but not to advertise or enroll students. (p. 15)

TN-01-3

2. Application (TN-01-3):

"The degree authorized by the Postsecondary Authorization Act of 1974 shall be known as the Associate Degree, with majors in appropriate areas. The following requirements are imposed in addition to the basic requirements outlined in [TN-01-3]...." (p. 1)

To be eligible for approval to offer an associate degree, the institution must have offered the proposed degree program continuously for the preceding 3 years. (p. 3)

NOTE: See 3c, item 1, and 3d, item 1 regarding uses of accrediting agency policies and criteria as standards.

NOTE: Special provisions are given for correspondence schools in 3g, 3c, 3j, and 3n below. In addition, correspondence institutions must be accredited by a USOE-recognized agency. (p. 5)

3. Coverage (TN-01-3):

a.
- Each institution must have a carefully formulated philosophy of education and educational objectives which shall be in writing, shall be published in its catalog, shall be consistent with principles of American democracy and sound education, and shall determine the nature of its program. These objectives shall be reasonably the objectives of postsecondary education and shall be devoted substantially to vocational education. (p. 1)
- The planning of guiding policies and the school's educational programs shall include participation by laymen, students, and faculty members.
- Flexibility in organization and administration shall be provided to serve varying groups and situations. (p. 2)
- Faculty shall participate in administration. Methods of administration shall be such that employees clearly understand their duties, supervisory personnel, and standards of performance.
- Institutions shall show evidence of stability in educational programs, community service, and contributions to their respective types of students, including such evidence as length of time of operation, reputation among the public and among educators, and institutional ability to hold students and teachers. (p. 3)

b.
- Educational programs shall be developed from institutional philosophy and a knowledge of student needs. (p. 1)
- A program shall be sufficiently broad to serve both general and specialized purposes of students, and shall provide a variety of learning experiences through classroom, extra-classroom, and guidance services.
- Provisions shall be made for students of different talents, intellectual capacities, and interests.
- Community resources shall be used discriminately to enrich the program.
- Curricula must be directly related to published objectives and give evidence of a well-organized sequence of appropriate subjects leading to occupational competence.
- Subject credits shall readily convert to standard semester or quarter hours.

- Subjects offered must be available to students in normal pursuit of a program of study. (p. 2)
- Instruction shall adequately recognize students' individual differences.
- Appropriate methods of instruction for the subject matter (lecture, laboratory, and/or coaching methods) should be used. (p. 4)
- For correspondence schools: degree program objectives must be of a nature achievable through correspondence or partial correspondence study. Residential instruction should supplement correspondence whenever necessary to achieve program objectives. In such cases, the institution must disclose to prospective students that completion of both phases is a degree requirement. (p. 5)
- For correspondence schools: program objectives must be reasonably attainable and may include skill development, provision of job-related training, imparting of information, instruction in knowledge application, and level of competence expected of typical graduates. (pp. 5-6)
- For correspondence schools: submission of examinations and projects which adequately test for achievement of stated objectives shall be required; adequate evaluation, correction, and consultation services by qualified faculty shall be provided for examination. Examinations shall be accurately graded and promptly returned. (p. 6)
- See 3n, item 3.

c.

- Associate degree curricula shall provide for a minimum of 60 semester hours, 90 quarter hours, or equivalent. (p. 2)
- In each degree program, the proportion of general education courses to major area courses shall be in conformance with policies of the appropriate USOE-recognized accrediting agency; if there is none, a minimum of 15 semester hours shall be in general education. (p. 3)
- For correspondence schools: program minimum requirements should be equivalent to those at residential institutions. (p. 5)
- For correspondence schools: institutions must take reasonable steps to assure that degree candidates have fulfilled requirements. A minimum requirement is that student achievement shall be assessed by proctored final examinations. Also see 3h, item 4. (pp. 6-7)

d.

- Faculty preparation shall meet criteria established by the appropriate USOE-recognized accrediting agency; if none exists, the following are minimum requirements: (1) each teacher instructing general education courses shall have a bachelor's degree; and (2) at least 20% of teachers instructing general education courses shall have an appropriate master's, professional, or equivalent degree.
- Teaching load must be reasonable in student-teacher ratio, number of periods and hours of assigned instruction, preparation required, and other duties. Thirty clock hours per week shall be maximum scheduled teaching load. (p. 4)
- Adequate clerical assistance shall be provided. (p. 51)

e.

- Library shall: (1) serve program needs; (2) be adequately staffed; (3) have adequate annual budgetary allowance and expenditures for purchase of books and other materials and for personnel salaries; (4) have an appropriate classification system and accurate, up-to-date records of circulation, inventory, and finances; (5) contain up-to-date volumes, magazines, and professional periodicals appropriate to institutional size and offering; and (6) shall have adequate and appropriate types of teaching and learning materials and should have equipment for the institution's size and program.
- Custodial staff shall be adequate to maintain the plant in a safe, clean, attractive manner. (p. 5)

f.

- An institution shall have adequate financial resources to insure continuity of service. (p. 3)

g.

h.
- See 3a, item 1.
- Curricula must be published in the institution's catalog, with subjects clearly indicated in units of credit readily convertible to semester or quarter hours. (p. 2)
- See 3c, item 3. Program requirements should be clearly stated. (p. 5)
- For correspondence schools: the proctored final examination process shall be clearly and completely stated to ensure that the candidate taking the examination is the same person who enrolled in the program, and that his examination results will reflect his own knowledge and competencies. (p. 7)

i.

j.
- Institutions shall maintain records and prepare reports as necessary for effective planning, operation, evaluation, and reporting of program results. (p. 3)
- For correspondence schools: essential student records must be adequately and safely maintained. (p. 6)

k.

l.

m.

n.
- Institutions should adapt their programs to their own communities and the larger communities of which those form a part; should develop programs to serve student needs; and should serve educational needs of the community. (p. 1)
- There shall be continuous, planned provisions, utilizing faculty participation and use of community surveys, for program appraisal, evaluation, and improvement and for evaluating effectiveness of programs in accomplishing institutional philosophy objectives. (pp. 2,3)
- Institutions shall endeavor to maintain favorable conditions for good instruction, and, in addition to good teachers, shall provide: (1) well-designed instructional outcomes; (2) systematic planning by teachers; (3) use of varied learning materials and experiences; (4) adaptation of instructional procedures to student needs; (5) use of varied evaluation instruments and procedures; and (6) good teacher and student morale. (p. 3)
- Student progress should be readily measurable by use of semester or quarter hour credit units. Schools may use skill tests or other acceptable methods, provided these are uniformly applied to all students. (p. 4)
- The institution's president or a designated representative shall be responsible for instructional improvement, the professional growth of staff, and promotion of continuous program evaluation.
- One or more persons as appropriate to institutional size shall have guidance and counseling responsibilities as part or all of his/her duties. (p. 4)
- For correspondence schools: program evaluation shall be based on expressed objectives and the success with which these are filled.
- For correspondence schools: relevant inquiries from students should be encouraged and answered promptly and satisfactorily by qualified instructors with due regard for professional and legal restrictions.
- For correspondence schools: students doing inadequate work should be encouraged to continue and provided necessary remedial assistance. An appropriate academic dismissal policy should be uniformly applied.

- For correspondence schools: students should be encouraged to start, continue, and complete courses in which they have enrolled.
- For correspondence schools: student reactions should be sought as one basis for course and materials evaluations. (p. 6)

4. Administration (TN-01-3):

a.

b. • Procedures for approval and inspection are the same as in TN-01-2, 4b.

c.

d. • Associate degree approval is subject to reappraisal annually and at other times the Commission deems warranted. (p. 7)

6. O[illegible]r (TN-01-3):

See 3a, item 1 regarding needs of students and community.

TN-04

2. Application (TN-04):

Applies to the programs and authorities of the state universities, colleges, and community junior colleges.

Stipulates that the Board of Trustees of the University of Tennessee and the Board of Regents of the state university, college, and junior college system shall retain the authority, rights, powers, and duties conferred upon them by law in the government, control, and operation of those institutions. (p. 267)

3. Coverage (TN-04):

a. ● The Commission shall develop and make recommendations to implement a master plan for public higher education, review and make recommendations for approval or modification of appropriation requests from the governing board of each institution, and make recommendations to minimize duplication of functions and services among the institutions.
b. ● Determination of specific courses or course content shall be the exclusive function of the governing boards of the various institutions.
c. ● The Commission shall review and approve or disapprove the establishment of new academic departments or divisions. (p. 265)
d.

e. ● The Commission shall make determinations concerning the establishment of new institutions of higher learning, including the desirability, location, standards, functions, financing, and source of governance. (p. 265)
f. ● The Commission, with the Commissioner of Finance and the Comptroller of the Treasury, shall establish uniform standards of accounting and records and statistical reporting systems, to be used by institutions for statistical data and appropriations requests. (p. 264)
g.

h. ● The Commission shall conduct a program of public information concerning higher education in the state.

4. Administration (TN-04):

a.

b.

c. ● The Commission shall submit a biennial report to the Governor and the General Assembly concerning matters such as new policies and budgets. (p. 265)

6. Other (TN-04):

Higher Education Commission is authorized to contract with private medical colleges in the state to provide financial payments for enrolled residents, not to exceed 40 students at each medical college. (p. 268)

TN-05

2. Application (TN-05):

Applies to the state university and community college system, but does not include the University of Tennessee.

Transfers governing authority previously granted to the State Board of Education to the Board of Regents.

3. Coverage (TN-05):

a. ● The Board of Regents shall appoint and delegate to the chief executive officer of each institution the powers and duties necessary and appropriate for the efficient administration of the institution and its programs. (p. 348)

b.

c. ● The Board shall have the power to prescribe curricula and requirements for diplomas and degrees.
   ● No person shall be granted a baccalaureate degree without 6 hours of credit in American history, or may partially substitute 3 hours of Tennessee history. (p. 352)

d. ● The Board shall select and employ the chief executive officers of the institutions and confirm the appointment of administrative personnel and teachers and fix their salaries and terms of office. (p. 347)
   ● The Board shall promulgate a tenure policy and determine the minimum qualifications for eligibility of faculty.

e. ● The Board shall establish regulations regarding the campus life, including student housing and safety.
   ● All facilities of state institutions shall be available to all students who are enrolled in at least 6 hours of credit courses. (p. 350)

f. ● The Board shall approve the operating and capital budgets of each institution and set policies for their fiscal affairs.
   ● The Board shall have the power to receive money and to purchase land, and erect and equip buildings, subject to state regulations. (p. 348)

g.

h.

i.

j.

k. ● The State Board of Education for the state's technical institutes and the State Board of Regents for the technical community colleges are authorized to establish regulations defining residency for the purpose of determining out-of-state tuition. (p. 351)

TEXAS

1. Identification:

TX-01

Title 3: Higher Education, Subtitle B--State Coordination of Higher Education, Chapter 61--Coordinating Board, Texas College and University System, Subchapter G Regulation of Private Degree-Granting Institutions of Higher Education

Effective date: June 1975

Stated purpose: "...to prevent deception of the public resulting from the conferring and use of fraudulent or substandard college and university degrees; ...to regulate the use of academic terminology in naming...educational institutions, the advertising, solicitation or representation by educational institutions or their agents, and the maintenance and preservation of essential academic records." (p. 110)

Basic effect: Requires an institution of higher education to obtain a certificate of authority before granting degrees, enrolling students, or using the terms "college" or "university" in its name.

Basic coverage: Private degree granting

TX-01-1

Rules for Private Degree Granting Institutions Operating in Texas 251.02.20.001-012

Effective date: January 1976

Stated purpose:

Basic effect: Elaborates standards and procedures for issuance of certificates of authority to award degrees. States standards and procedures for obtaining certificates of registration for agents.

TX-02

Texas Education Code, Title 2, Chapter 32 (as amended) (Known as the Texas Proprietary School Act)

Effective date: 1972

Stated purpose: "...to provide certification and regulation of proprietary schools in Texas." (p. 22)

Basic effect: Requires proprietary schools to obtain a certificate of approval and their agents to be registered.

Basic coverage: Private non-degree granting

TX-02-1

A guide for proprietary schools applying for certificates of approval and representative permits under Chapter 32--Texas Education Code

Effective date: October 1973

Stated purpose:

Basic effect: Sets forth additional requirements and procedures for certificates of approval. Gives requirements for agents' permits.

TX-02-2

Changes in the Guidelines and Minimum Standards for Operation of Texas Proprietary Schools

Effective date: June and July 1975

Stated purpose:

Basic effect: Revises TX-02-1 (changes are incorporated into the abstract of TX-02-1).

TX-02-3

Changes in the Guidelines and Minimum Standards for Operation of Texas Proprietary Schools

Effective date: December 1975

Stated purpose:

Basic effect: Revises TX-02-1 (changes are incorporated into the abstract of TX-02-1).

TX-05

Subchapter F--Tuition Equalization Grants

Effective date. August 1973

Stated purpose: "...to provide the maximum possible utilization of existing educational resources and facilities...." (p. 107)

Basic effect: Authorizes tuition equalization grants to Texas students enrolled in private Texas colleges or universities which meet program standards and accreditation comparable to public institutions.

Basic coverage: Private degree-granting

No further abstract prepared.

TX-03

Subtitle B -- State Coordination of Higher Education, Chapter 61: Coordinating Board, Texas College and University System

Effective date: 1965; includes 1975 amendments

Stated purpose: "...to establish in...public higher education in...Texas an agency to provide leadership and coordination for the higher education system, institutions, and governing boards, to the end that Texas may achieve excellence for college education of its youth through the efficient and effective utilization and concentration of all available resources and the elimination of costly duplication in program offerings, faculties, and physical plants." (p. 525)

Basic effect: Establishes the Coordinating Board as the state agency which prescribes the role of each public institution, reviews program offerings, approves new schools, departments, and programs, and develops with the State Board of Vocational Education new certificate programs in technical and vocational education as needed.

Basic coverage: Public degree and non-degree granting

TX-04

Subchapter A--General Provisions. Section 130 - Non-Baccalaureate System, Junior College Districts

Effective date: Includes 1975 amendments

Stated purpose: "The Coordinating Board...shall exercise general control of the public junior colleges...[and] shall have the responsibility for adopting policies, enacting regulations, and establishing general rules necessary for carrying out the duties...as prescribed by the legislature...." (p. 308)

Basic effect: Authorizes the creation of public junior college districts on the basis of need for a college and the ability to provide adequate local financial support, and authorizes the Board to adopt standards and prescribe rules and regulations for such colleges.

Basic coverage: Public degree and non-degree granting (2-year institutions)

TX-01

2. Application (TX-01):

"...no person may grant...a degree...or enroll students...unless the institution has been issued a certificate of authority to grant the degree.... No person may represent that credits earned...are applicable for credit toward a degree to be granted by some other...institution except under [specified] conditions...." (p. 111)

See 3c and 3i for prohibitions against awarding honorary degrees and use of the terms "college" and "university."

"Institution" means an educational institution which is incorporated under the laws of the state, maintains a place of business in the state or solicits business in the state, and furnishes instruction either by correspondence or in person leading to a degree or degree credits. Public institutions are not included in the definition.

Exemptions from provisions of the subchapter:

a. Institutions fully accredited by a recognized accrediting agency or institutions which were candidates for accreditation on the effective date of the Act and maintain candidacy status or become fully accredited. Institutions are exempt only for the degrees for which they are accredited
b. Institutions whose graduates are subject to licensure by a state agency (p. 111)

NOTE: Exempt institutions may apply for certificates of authorization to grant degrees.

NOTE: Exemption regarding accredited institutions. Exempt institutions continue in that status only so long as they maintain accreditation standards acceptable to the Coordinating Board, Texas College and University System. See 5c regarding revoking of exempt status.

3. Coverage (TX-01):

a. • See 4c, item 1.
b.
c. • See 4c, item 1.
  • No institution may award an honorary degree unless it has been issued a certificate of authority to award such a degree. It shall plainly state on its face that it is honorary.
d. • See 4c, item 1.
e. • See 4c, item 1.
f.
g.
h.
i. • No institution may use the term "college" or "university" in its name unless it has been issued a certificate of authority to grant degree(s).
  • See 4a, item 3.

j. • The institution may be required to maintain records of students enrolled, credits awarded, and degrees awarded. (p. 113)

4. Administration (TX-01):

a. • The Coordinating Board, Texas College and University System issues certificates of authority to grant degree(s) and to enroll students for degree credit. (p. 113)
- The Board shall promulgate standards, rules, and regulations governing the issuance of certificates. (p. 114)
- The Board is empowered to specify and regulate the manner, condition, and language institutions or agents use to refer to their certificates and the interpretation of the significance of the certificate. (p. 111)
- The Board may delegate to the Commissioner of Higher Education such authority and responsibility as it deems appropriate. (p. 114)
- The Board shall appoint an advisory council of members with experience in the field of higher education and representatives of private institutions of higher education which are exempt from the provisions of this subchapter to advise it on standards and procedures. (p. 113)

b. • Fees for amendments to certificates cover the cost of program evaluation. (p. 112)

c. • Institutions may apply for a certificate of authority to grant a degree in a specified program of study on forms provided. The form shall contain the name and address of the institution; purpose; names of the sponsors or owners; regulations, rules, constitution, and by-laws for governance and operation; names and addresses of chief administrative officer, principal administrators, and each member of the governing board; names of faculty who will teach, with the highest degree held; full description of the degree(s) to be awarded and the course(s) prerequisite thereto; description of the facilities and equipment used; and any additional information requested. (pp. 111-112)
- Applications for renewal shall be made on forms provided.
- The Chief Administrative Officer of each institution holding a certificate shall notify the Board of any changes in personnel or facilities.
- An institution which wishes to amend an existing program to award a new or different degree may file an application for amendment of the certificate. (p. 112)
- Institutions may be required to furnish a list of their agents to the Board. (p. 113)

d. • Certificates are valid for 2 years from issuance.

e. • Initial application fee for a certificate is $250, renewal is $150. The fee for an amendment is $75. (p. 112)
- See 4b.

5. Enforcement (TX-01):

a. • The Board may revoke a certificate of authority to grant degrees. (p. 112)
- The Board shall report any information concerning possible violations to the appropriate prosecuting attorney of the county in which the violations occurred. The attorney shall immediately prosecute or bring suit to enjoin any violation. (p. 114)

b. • See 5a, item 2.

c. - Certificates may be revoked for: (1) untrue application statements; (2) failure to maintain the faculty, facilities, equipment, and programs in the application; (3) deceptive or misleading advertising; or (4) violation of any rule or regulation promulgated under this law. (p. 112)
   - An institution whose application for an original, amended, or renewal certificate is denied or whose certificate is revoked is entitled to written notice of the reasons and a hearing before the Board. After the hearing, the institution may challenge the Board's action in a suit in the district court. The trial shall be de novo. (p. 113)
   - The Board shall provide for due process for revoking the exempt status of an institution. (p. 111)

d. - Conferring degrees without a certificate is a misdemeanor punishable by a fine of between $1,000 and $5,000. Each degree conferred is a separate offense.
   - Use of the term "college" or "university" in the name of a new institution without a certificate is a misdemeanor punishable by a fine of between $1,000 and $3,000.
   - Agents who do not have certificates of registration and who solicit enrollments are guilty of a misdemeanor punishable by a fine of between $500 and $1,000.
   - Any operations which, after due process, are found to be in fraudulent violation of this Act shall be terminated. (p. 114)
   - See 5a, item 2.

TX-01-1

2. Application (TX-01-1):

See TX-01.

"...no person may: ...(5) act as an agent who solicits students for enrollment in a private institution of higher education subject to the provisions of the subchapter without a certificate of registration." (p. 7)

NOTE: Accreditation by selected agencies may be accepted as evidence of compliance with minimum standards. This shall not be construed as giving exempt status to an institution. (p. 6)

3. Coverage (TX-01-1):

The Coordinating Board shall require each institution to maintain itself in accordance with the following minimum standards:

a.

b. • That quality, content, and sequence of each course are appropriate to the purpose of the institution and are such as may reasonably and adequately achieve the stated objectives of the course. (p. 4)
 • That provisions are made for the continual assessment of the educational program to include the evaluation and improvement of instruction. (p. 5)
 • See 4c, item 1.
 • See 3n, item 2 regarding transfer of credit.

c. • That upon satisfactory completion of training, the student is given appropriate educational credentials indicating that the course undertaken has been satisfactorily completed. (p. 5)
 • See 3n, item 2 regarding transfer of credit.

d. • That the education, experience, and character of directors, administrators, supervisors, counselors, agents, and faculty are such as may reasonably insure that students will receive education consistent with the objectives of the course.
 • That there are a sufficient number of full-time faculty to insure continuity and stability of the education program, adequate educational association between students and faculty, and opportunity for proper preparation for instruction and professional growth. (p. 4)

e. • That the institution has adequate space, equipment, instructional materials, and library facilities to provide education of good quality. (p. 5)
 • That the institution is maintained and operated in compliance with all ordinances and laws pertinent to the safety and health of persons on the premises.
 • That the student housing owned, maintained, or approved by the institution is appropriate, safe, and adequate.

f. • That the institution is financially able to fulfill its commitments to students. (p. 6)

g.

h. • That the institution provides students prior to enrollment and others with a catalog or brochure containing information describing institutional purpose, length and objectives of the program, schedule of tuition and other charges necessary for completion, cancellation and refund policies, and such other material facts as are reasonably likely to affect enrollment decisions. (p. 5)

i. • An institution awarded a certificate of authority shall not represent its significance as greater than simple permission to operate. Prohibited terms included "accredited," "supervised," "endorsed," and "recommended." (p. 8)

• If the Board denies or refuses to renew an agent's certificate, it shall notify the institution represented and include reasons. (p. 11)

• See 4c, item 2 regarding contents of the application for a certificate of registration for agents.

• See 3d, item 1.

• See 3k.

j. • That adequate records are securely maintained by the institution to show attendance, progress, or grades.

• See TX-01, 3j.

• If an institution proposes to discontinue operation, the chief administrative officer shall file with the Board academic records containing information customarily required by colleges when considering students for transfer or advanced study, and, as a separate document, the academic record of each former student. The Board shall maintain a permanent file of such records. (p. 15)

k. • That neither the institution nor its agents engage in advertising, sales, collection, credit, or other practices which are false, deceptive, misleading, or unfair.

l. • That the institution has a fair and equitable cancellation and refund policy in keeping with generally accepted practices of institutions of higher education. (p. 6)

m.

n. • That satisfactory guidelines are followed relating to attendance, progress, and performance, and that transcripts are issued upon the request of the student. (p. 5)

• Any institution, whether or not it purports to offer degrees, may solicit or enroll students on the basis that credits are applicable to a degree program of another institution provided that the other institution is named and is accredited by a regional accrediting agency and that the course for which credit is transferable is named. (p. 9)

• See 3b, item 2.

4. Administration (TX-01-1):

NOTE: This document repeats many provisions of TX-01 which are not abstracted below.

a. • The Coordinating Board, Texas College and University System shall administer the provisions of this subchapter. (p. 3)

• The Commissioner of Higher Education may request information from any other state agency. (p. 4)

• An ad hoc consultant certification committee of at least three members appointed by the Board will be formed, as needed, to assist the Commissioner in the study of individual applications. (p. 12)

• An application for an agent's certificate of registration shall be submitted to the Board. The Commissioner shall be authorized to take approval action. Action to disapprove shall be reserved to the Board. (p. 14)

- See 4b, all items.

b.
- The Commissioner or a representative and the consultant committee may visit the institution to develop further information shown on the application.
- The committee and Commissioner's representative submit a recommendation to the Board concerning whether the applicant institution should be awarded a certificate of authority. (p. 13)
- Renewal applications are handled in the same way as are originals. (p. 14)

c.
- The Board shall require each institution to provide an acceptable comprehensive statement of its educational objectives. (p. 4)
- A person applying for a certificate of registration for agents shall make application on forms prescribed by the Commissioner which shall include at least the following information: (1) name, address, and certification status of the institution represented; (2) applicant's full legal name, address, residence, age, educational background, experience, and evidence of institutional affiliation; and (3) affidavit from the applicant that he will fairly represent his institution consistent with the information provided by the institution in its application for a certificate of authority. Upon request of the Board, the agent will provide sufficient evidence of good character. (p. 10)
- Applications for amendments shall include, minimally, an outline of the curriculum to be offered, identification of the degree to be awarded, qualifications of the faculty involved, anticipated enrollment, financial support expected and its source, and the relation of the new program to the purpose of the institution. (p. 14)
- Institutions authorized to operate in this state will be required to furnish a list of their agents to the Board. (p. 15)

d.
- The agent's certificate of registration is issued for 2 years. (p. 10)

e.
- The fee for an agent's certificate is $25. (p. 14)

5. Enforcement (TX-01-1):

NOTE: This document repeats many provisions of TX-01 which are not abstracted below.

c.
- Procedures for revoking an institution's exempt status were given. (p. 3)
- The Board may revoke an agent's certificate of registration if: (1) untrue statements have been made in the application; (2) the represented institution has had its certificate of authority revoked; (3) the agent makes false, deceptive, or misleading statements while soliciting; or (4) the agent has violated these rules. (p. 11)
- An institution is entitled to written notice of reasons for revocation or denial of original or renewal agents' certificates of registration. (p. 16)
- See 3c, item 2.

d.
- If the Board thinks the records of an institution discontinuing operation are in danger of being made unavailable, it may seek court authority to take possession of them. (p. 15)

TX-02

2. Application (TX-02):

"No school shall maintain, advertise, solicit for, or conduct any course of instruction in Texas without first obtaining a certificate of approval...." (p. 25)

"All representatives employed by a school shall register...." (p. 28)

"No person shall: (1) operate a school without a certificate of approval...; (2) solicit prospective students without being bonded...; [or] (3) accept contracts or enrollment applications from a representative who is not bonded...." (p. 33)

"Proprietary school" or "school" means any business enterprise operated for a profit, or on a non-profit basis, which maintains a place of business in the state or solicits business there and offers courses through classroom instruction or by correspondence in a business, trade, technical, or industrial occupation or for avocational or personal improvement. (p. 22)

Exemptions (from the provisions of the Chapter and the definition):

a. Institutions supported by local or state taxes
b. Non-profit schools conducted by bona fide religious, eleemosynary, or similar public institutions exempt from property taxation (such schools may choose to apply for a certificate)
c. Schools offering purely avocational or recreational subjects
d. Courses sponsored by an employer for employees at no fee
e. Courses sponsored by a recognized trade, business, or professional organization which has a closed membership and given to members only
f. Private colleges or universities which award a recognized baccalaureate or higher degree and whose credits are transferable to a public college, junior college, or university
g. Schools regulated and approved under another law
h. Aviation schools supervised by the FAA
i. Schools offering review courses for law school aptitude tests or bar examinations
j. Exemptions may be granted to schools offering special study financed by a group other than the student, on a contract basis,and having closed enrollment. (pp. 23-24)

NOTE: Out-of-state schools using representatives to solicit in Texas must register agents. Both schools and agents are subject to bond requirements. (pp. 28-29)

3. Coverage (TX-02):

School applications may be approved when the school is found to meet the following criteria:

a.

b. ● The courses and instruction are of such quality, content, and length as may reasonably and adequately achieve the stated objective for which the course is offered.

c. ● Upon completion of training, the student is given a certificate indicating that training was satisfactorily completed.

d. ● Education and experience qualifications of directors, administrators, and instructors are adequate.
- ● Administrators, directors, owners, and instructors are of good reputation and character.
- ● See 3e, item 1.

e. ● There is adequate space, equipment, instructional material, and personnel to provide training of good quality.
- ● The school complies with all regulations such as fire, building, and sanitation codes.

f. ● The school is financially sound and capable of fulfilling its commitments for training. (p. 26)
- ● Before a certificate is issued, the school shall provide a bond of $25,000 obligated that no provision of this Chapter or its rules shall be violated by the school or any of its officers, agents, or employees.
- ● A bond may be reduced to $5,000 if the school's total unearned tuition will not exceed $5,000 during the period of the certificate. (p. 28)
- ● See 5d, item 7, point 5.
- ● Before a representative may be registered, a bond for $1,000 shall be provided for a period concurrent with the school's certificate of approval. The obligation of the bond shall be that no provision of this Chapter or its rules shall be violated, nor shall fraud or misrepresentation in securing enrollments be committed by the representative.
- ● In lieu of bonds, the school may provide any other similar certificate or evidence of indebtedness provided it meets all requirements.
- ● The Administrator (State Commissioner of Education or a person he designates) may waive bonding requirements for schools operating under a federal grant where no tuition is charged. (p. 29)

g.

h. ● A copy of the course outline, schedule of tuition, fees, refund policy, and other charges, regulations pertaining to absence, grading policy, and rules of operation and conduct will be furnished the student prior to enrollment.
- ● See 31, item 1.

i. ● The school does not utilize erroneous or misleading advertising either by statement, omission, or intimation. (pp. 26, 33)
- ● The school does not use a name similar to an existing tax-supported school in the same area.

j. ● The school maintains a written record of the previous education and training of an applicant and clearly indicates that credit has been given, the new training period shortened where warranted through tests, and the student notified.
- ● Adequate records are kept to show attendance and progress or grades. (p. 26)
- ● See 4c, item 5 and 5d, item 7, point 4.

k. ● No person shall negotiate any promissory instrument received as payment of tuition or other charge prior to completion of 75% of the course provided that prior to this time the instrument may be assigned to a purchaser who shall be subject to all defenses against the school. (p. 34)
- ● See 5d, item 7, point 5.

l.
- See 3k.
- The school has, maintains, and publishes in its catalog and enrollment contract the proper policy for refunds. (p. 26)
- For programs not regularly offered to the general public, the State Board of Education may alter the terms of the required refund policy due to the specialized nature of the school's courses.
- Each school must maintain a policy which must provide a full refund of all monies paid if: (1) the student cancels within 72 hours after signing the enrollment contract; or (2) the student's enrollment was procured by any misrepresentation in advertising, promotional materials, or representation by the owner or representatives of the school. (p. 29)
- Refunds will be totally consummated within 30 days.
- If a course is discontinued and this prevents the student from completing it, all tuition and fees paid are then due and refundable.

For residence schools:
- Refunds after the 72 hour period will be based on enrollment time in clock hours.
- The effective date of termination will be the earliest of: (1) the last date of attendance, if the student is terminated by the school; (2) the date of receipt of written notice from the student; or (3) 10 school days following the last date of attendance.
- If advance tuition is collected, and if after the 72-hour period expires the student does not enter the school, not more than $50 shall be retained.
- For courses up to 12 months, the school may retain $50 and the minimum refund of the remaining tuition will be: (1) during the first week or one-tenth of the course, whichever is less, 90%; (2) within the first quarter, 75%; (3) during the second quarter, 50%; (4) during the third quarter, 25%; and (5) during the last quarter, the student is obligated for the full tuition.
- For courses of more than 12 months, the refund shall be applied to each 12-month period or part thereof separately.
- Refunds of items of extra expense to the student, such as tools, activities, laboratory fees, and deposits, where separately stated and shown before enrollment, will be made in a reasonable manner acceptable to the Administrator.

For correspondence schools:
- The date of termination will be the earliest of: (1) the date of notification to the student if the student is terminated; (2) the date of receipt of written notice from the student; or (3) the end of the third calendar month following the last lesson received unless the student notifies the school that he wishes to remain enrolled.
- If tuition is collected before any lessons have been completed, and if after the 72-hour period the student fails to begin the course, not more than $50 shall be retained by the school.
- After the student has begun the course, the school may retain $50; the minimum policy must provide that the pro rata portion of the remaining fees be refunded. (pp. 29-31)

m.

n.
- See 3j, item 1.
- Satisfactory standards relating to attendance, progress, and conduct are enforced.
- Additional criteria may be required. (p. 26)

4. Administration (TX-02):

a.
- The Central Education Agency shall exercise control of the system of schools, and it shall be the duty of the Commissioner of Education to carry out the supervision of the provisions of this Chapter and to enforce minimum standards for approval for schools under adopted regulations and policies.
- The State Board of Education shall adopt necessary policies, regulations, and rules after consultation with the Proprietary School Advisory Committee. (p. 24)
- The Administrator (the State Commissioner of Education or a person he designates) shall carry out the provisions of this Chapter, enforce rules and regulations adopted by the State Board of Education, issue certificates, and place conditions on them. He shall certify the names of schools meeting requirements and may adopt and enforce temporary rules and regulations which shall be valid only until the next meeting of the Board.
- The Proprietary School Advisory Commission shall be advisory and may hold hearings on changes in rules and standards. The Commission is appointed by the Board and consists of owners of proprietary schools, public school officials, and citizens. (pp. 24-25, 27)

b.
- Applications for certificates of approval shall be verified. (p. 25)
- Applications may be approved when the school is found, upon investigation, to have met criteria. (p. 26)
- Schools shall be re-examined prior to renewal of their certificates. (p. 27)

c.
- Applications shall be in such form as may be prescribed. (p. 25)
- The Administrator may require evidence of compliance with fire, building, and sanitation codes. (p. 26)
- Certificates of approval are not transferable. A new owner must apply for a new certificate prior to the change. (p. 27)
- If a school's bond amount is to be reduced, the school will submit evidence that its total unearned tuition will not exceed $5,000. (p. 28)
- No person shall fail to notify the Administrator of the discontinuance of the operation of any school within 72 hours and make records available as required. (p. 34)

d.
- Certificates of approval shall be issued for periods not to exceed 1 year. (p. 27)
- Registration for a representative shall remain in effect for up to 12 months. (p. 28)

e.
- The fee for an initial certificate of approval is $250 and renewal is $200. The initial registration fee for a representative is $20 and renewal is $10.
- The cost of administration of this Chapter shall be included in the budget allowance for the State Board of Education. Fees shall be deposited with the State Treasurer and used to help defray the expense of administering this Chapter. (p. 34)

f.
- Approval may be granted with conditions. (pp. 27,28)

5. Enforcement (TX-02):

a.
- See 4a.
- The Administrator may deny or revoke a certificate of approval or registration of a representative. (pp. 27-28)

- The Administrator holds hearings on the denial of a certificate of approval if the institution so requests. Appeals of decisions to the State Board of Education and then to the District Court are possible. Further appeals may be made as in any other civil lawsuit under the Texas Rules of Civil Procedure. (p. 32-33)
- See 5d, item 5 regarding the role of the Attorney General in class action suits. (p. 33)
- The Administrator has the duty to apply to the appropriate court for injunctions. (p. 34)

b.

c.
- The Administrator may deny a certificate of approval if he determines the applicant to be unacceptable. Written notice of reasons is required and appeal (see 5a) is possible. (p. 27)
- A certificate of approval may be revoked or made conditional if the Administrator believes that the school is guilty of a violation of this Chapter or its rules. Written notice of grounds for impending action is required.
- Procedures for denial or revocation of the registration of a representative are the same as that of a certificate of approval. In addition, these actions may be taken against a representative who has been convicted of a felony either within or outside Texas. (p. 28)

d.
- Any contract with a school which does not have a certificate of approval shall be unenforceable. (p. 25)
- Institutional bonds shall be conditioned to pay all damages or expenses which the state or any student may sustain resulting from a violation. The bond shall be to the state and filed with the Adminstrator. (pp. 28-29)
- Representatives' bonds shall be conditioned to pay all damages or expenses which the state or any student may sustain from a violation. (p. 29)
- Unless stayed by the court for good cause, an order of the State Board of Education on an appeal of a denial action by the Administrator shall not be superseded during the appeal. (p. 32)
- Persons injured by an act in violation of this Chapter may file a class action suit in any District Court for temporary or permanent injunctive relief, declaratory relief, or other relief, including damages. A party filing such action must give prompt notice to the Attorney General, who shall be permitted to join as a party plaintiff. (p. 33)
- See 3k.
- A person who: (1) operates a school without a certificate of approval; (2) solicits students without being bonded; (3) accepts contracts from an unbonded representative; (4) uses misleading advertising; (5) fails to notify the Administrator of cessation of operation or to make records available; (6) fails to increase bond; (7) negotiates a promissory instrument prior to completion of 75% of the course without making the assignee subject to defenses; or (8) violates any provision of this Chapter is guilty of a misdemeanor punishable by a fine up to $500. Each day that any prohibited act continues is a separate offense. (p. 34)
- Whenever the Administrator has probable cause to believe a school has violated this Chapter, he shall have the duty to apply to a court of competent jurisdiction for an injunction restraining commission of such acts. (p. 34)

TX-02-1

2. Application (TX-02-1):

See TX-02.

Exempted schools may apply for a certificate of approval and when approved become subject to the provisions and regulations applicable to nonexempt schools. (p. 4)

3. Coverage (TX-02-1):

NOTE: This document repeats many provisions of TX-02 which are not abstracted below.

a.

b. • The courses, content, and length of instruction shall be of such nature and quality as to reasonably assure that the students will adequately develop the job skills and knowledge necessary for obtaining employment in the occupation for which the instruction is offered. (p. 15)

c.

d. • Each school shall have a director responsible for the school program, maintenance, and administration. The director must be a college graduate or have sufficient, appropriate background and training and must be a person of good reputation and character.
- Specific education and experience qualifications for instructors in seven different programs were given. College degrees were required except in two trade and technical programs. Experience of varying length was usually required. In each case, a comparable combination of education and experience was acceptable as an alternative to the requirements. (pp. 9-11)
- When a school enrolls students in a course, it shall maintain sufficient and qualified faculty to teach all subjects for completing the course during the length of time stipulated in the bulletin regardless of the class size. (p. 15)
- Maximum pupil-teacher ratios were given for five different types of courses. They varied from 20-1 to 50-1. They may be varied from the requirements at the discretion of the Director. (pp. 20-21)

e. • Equipment shall be determined by the occupational objective. It shall be comparable to that found in business establishments.
- The school shall provide adequate equipment in good working order.
- The school equipment shall be of sufficient quality and quantity to meet the maximum authorized enrollment of any class.
- Housing shall comply with all regulations such as fire, building, and sanitation.
- The school shall inspect proposed housing before endorsement. (p. 19)
- The school shall provide adequate space for classroom instruction and laboratory experiences. Enrollment shall not exceed the design characteristics. Facilities shall not be dangerously overcrowded or in substandard housing. Special requirements for flight schools were given. (p. 20)

f. • The school shall have sufficient finances to establish and carry out a satisfactory program on a continuing basis. (TX-02-2)

- See 4c, items 12-16.

g. ● See 4c, item 6.

h. ● Prior to enrollment, the school shall furnish each student with a copy of the bulletin and course outlines; schedule of tuition, fees, and other charges; refund policy; enrollment contract; and regulations pertaining to absences, grading, and operation and conduct. Use of a designated form is required. (p. 11)

- A "NOTICE OF CANCELLATION" must be attached to the enrollment agreement, in duplicate and easily detachable. It must be printed in specified size type and contain the date of the agreement, name and address of school, and date on which the 72-hour period will expire. The notice must be in a form that the student can use to cancel by dating, signing, and mailing it. (p. 15)
- Enrollment contracts for correspondence courses must specify the amount of time allotted to complete the course. If a student has not completed by then, he must be terminated and sent a refund. Should the student re-enroll, appropriate credit must be given. (p. 15)
- Nothing in the guidelines shall prevent release of information to students as required by a federal agency. (TX-02-2)
- See 3k, item 3 regarding disclosure of scholarship terms.

i. ● Representatives' permits may be issued if applicants supply evidence of good reputation and character. (p. 5)

- Schools shall not publish in bulletins or other promotional literature courses which have not been approved. (p. 15)
- Bulletins or other information must be specific about prerequisites for admission, curricula, content of courses, and graduation requirements.
- Schools holding a special course franchise shall not advertise in a manner as to diminish the value and scope of courses offered by other schools without a franchise. Advertising of special courses shall be limited to the courses offered.
- Schools or representatives shall not use illustrations in advertising that convey a false impression of the school or its facilities.
- Schools or representatives shall not use endorsements except with consent and without any offer of payment. They shall bear the actual name or professional name of student.
- Schools or representatives shall not make deceptive statements concerning activities of other schools.
- Classified advertising seeking students must appear under "instruction," "education," "training," or a similar classification, and not under any "help wanted" or "employment" classification.
- Advertising seeking students must clearly indicate that training is being offered, and shall not imply that employees are being sought.
- Advertisements must include name of the school, its address, and city. (p. 16)
- No advertisements shall use the word "wanted," "help wanted," or "trainee," either in the headline or the body of the advertisement, nor shall any advertisement indicate in any manner that the school has or knows of jobs or employment of any nature available to prospective students; only "Placement Assistance" may be advertised.
- No statement shall be made that students will be guaranteed employment, nor shall employment opportunities at course completion be misrepresented.
- No dollar amount will be quoted in any advertisement as indicative of the earning potential of graduates.
- No statement shall be made that the school or its courses of instruction have been "accredited" unless accreditation is that of an appropriate

nationally recognized accrediting agency listed by USOE.

- No statement shall be made that the school or its courses have been "approved" unless the approval can be substantiated by an appropriate certificate issued by the approving agency of the state or federal government. Language for reference to Texas approval was given.
- Should a placement service be advertised, adequate records will be maintained which will reflect employment data. However, no school shall advertise as an employment agency under the same name or a confusingly similar name or at the same location as the school. No representative shall solicit students for a school through an employment agency.
- The Director may require a school to furnish proof of its advertising claims. If acceptable proof cannot be furnished, a retraction must be published in the same manner as the claims themselves. Continuation of such advertising shall constitute cause for suspension or revocation of its certificate of approval.
- If student tuition loans are available at the school, the school may advertise them only with the language "student tuition loans available" in type no larger than that used for the name of the school. Eligibility under various state and federal loan programs may be advertised. (p. 17)

j.
- The school must maintain a written record of previous education and training of students which clearly indicates that appropriate credit has been given. A designated form regarding previous education and training will become a part of the student's permanent record. (p. 11)
- If a correspondence student notifies the school that he wishes to remain enrolled even though three months have passed since receipt of his last lesson assignment, the school shall maintain the notice in the student's permanent file. (p. 14)
- Material relating to endorsements (see 3i, item 6) shall be part of the permanent record of the school. (p. 16)
- See 3i, item 16 regarding required records for schools offering placement services.
- All schools shall make available records and data required for approval.
- Schools will retain all records for at least 3 years. (p. 21)
- See 3l, item 6 regarding filing of leave of absence requests.

k.
- When a student's training period is shortened because of previous education and training, the course cost will be reduced accordingly. (p. 11)
- See 4c, item 8.
- Scholarships may be offered provided their terms are published and disclosed to the Director. (p. 12)

l.
- See 3h, item 2 regarding notice of cancellation.
- For residence courses more than 12 months long, refunds will be made based on the quarter of the remaining period. The number of hours in any period will be determined by the actual hours taught during that period. (p. 13)
- Purchasers of schools will accept responsibility for all refund liabilities. (TX-02-2)
- For courses combining home study and residence training, not more than $100 will be retained by the school for students who do not enter residence training unless the school submits acceptable affirmative evidence that the home study lessons are of quality and content to reasonably assure that the student will achieve the stated objective without residence training. (TX-02-3)
- For correspondence schools, training must be terminated at the end of any

3-month period in which no lessons are received unless the student notifies the school in writing during that period that he wishes to remain enrolled. (p. 14)

- Refunds will be based on actual hours of class attendance. A student will be terminated when he is absent more than 10 consecutive days. Partial days will be charged. Make-up work to remove absences will not be authorized. Leaves of absence up to 30 days in 6 months may be granted for specific and acceptable purposes. Written requests for them must be in the student's file within one week of the beginning of the leave. If a student fails to return after a leave, he will be automatically terminated. Absences in excess of 10% of scheduled class attendance, leaves of absence, and school holidays will not be counted as part of the elapsed time for refunds. (TX-02-3)
- See 3n, item 3 regarding refunds for cancelled courses.
- See 4c, item 15.

m. • See 3l, items 11, 12, and 16.

n. • See 3h, item 3 regarding credit given when a student re-enrolls.

- The school shall schedule classes so that the students will be able to complete the course during the length of time stipulated in the school bulletin. (p. 15)
- If an approved course is discontinued for any reason, the names and addresses of any students who were prevented from completing shall be furnished the Director. Should the school fail to make satisfactory arrangements for completion of the course, the full amount of all tuition and fees paid is due and refundable. (p. 15)
- No evening class schedule shall extend beyond a reasonable time. (p. 16)
- Appropriate standards must be implemented to ascertain the progress of students. Standards must include: (1) progress evaluation system on a maximum of 6 weeks or other acceptable interval; (2) approved forms for evaluation by correspondence schools including the date course materials are mailed, date the lesson is received from the student, grade on a lesson basis, instructor's name, date that graded assignments are mailed back, and final grade for the course with completion date; and (3) progress evaluation records reflecting whether the student is making progress that will allow him to complete the course in the allotted time.
- Progress evaluation policy will include what is considered failing or unsatisfactory progress. Students will be placed on probation for one month. Students on probation who have not regained a passing average at the end of the month shall be continued only if improvement is shown in comprehension and effort. Exceptions may be made. (p. 18)
- See 3l, item 3 regarding refund liability of school purchasers.
- Training and experience of applicant students shall be evaluated during matriculation. (p. 11)
- See 3h, item 2 regarding notice of cancellation.

4. Administration (TX-02-1):

NOTE: This document repeats many provisions of TX-02 which are not abstracted below.

a. • The Director of the Division of Proprietary Schools and Veterans Education (the person designated by the Administrator to carry out these regulations) reviews applications to determine if they are acceptable or not, approves schools, and issues certificates of approval. (pp. 4, 7)

- The Texas Education Agency will evaluate each school according to these standards of practice. (p. 1)

b.
- See 4a above.
- Schools shall make available the records and data required for approval for inspection by authorized representatives of the Texas Education Agency. (p. 21)

c.
- Schools shall make application for certificates of approval on specific forms. The following supporting documents shall be included: (1) personal data form for director, teachers, and staff; (2) school calendar; (3) summary of course information; (4) class schedule; and (5) bond and fee.
- Renewals shall be made on forms provided and accompanied by: (1) evidence of continued bonding; (2) fee; (3) other data to update application; and (4) current list of names and addresses of all representatives. (p. 6)
- A representative shall complete a specific form in applying for a representative's permit. (pp. 6-7)
- To renew their permits, representatives shall apply on forms provided and submit evidence of continued bonding and other data to update the application.
- Applications for approval of additional courses shall be submitted prior to the implementation date and include a summary of course information and any additions to the school catalog such as revised staff roster, personal data forms, equipment inventory, floor plans, and class schedule. (p. 7)
- The entrance requirements for each course must be submitted and approved. If a standardized test is used, it shall become part of the application.
- The school shall submit a copy of the rules and regulations pertaining to conduct and a statement regarding conditions for dismissal and re-entry.
- All tuition, fees, and other charges shall be stated in the application. The school shall submit method(s) of payment that are available. If student financing is available through any arrangement between the school and a lending institution, the complete terms must be disclosed including a statement of all charges, the true annual percentage rate, and name(s) and address(es) of the lending institution. (p. 11)
- See 3k, item 3 regarding submission of terms of scholarships.
- See 3n, item 3 regarding notice of discontinued courses.
- Persons purchasing a school shall submit copies of the sales contract, bill of sale, deed, and other instruments necessary to the transfer of ownership.
- An audited statement of financial position (balance sheet) in a form consistent with generally accepted accounting principles, prepared by an independent Public Accountant or Certified Public Accountant, and other evidence deemed necessary to establish financial stability will be submitted with the application for an original certificate of approval.
- Each certificated school will annually furnish acceptable audited financial statements including: (1) balance sheet; (2) statement of income and retained earnings; and (3) statement of changes in financial position or a statement of source and application of funds. Exceptions may be made for schools over one year old whose gross annual income from tuition is less than $20,000 and which do not collect more than one month's tuition in advance from more than 10 students. These schools must submit statements but these need not be audited. The Administrator may require

an audit at the school's expense in questionable cases.

- Special requirements for schools that are subsidiaries of a publicly held corporation were given.
- Prior to a change in ownership, the seller must furnish an acceptable audited statement of financial position including a detailed list of any student refunds payable. The purchaser will furnish any evidence deemed appropriate to establish financial stability.
- All financial statements must identify the name of the accountant who prepared them and be accompanied by the owner's affidavit that the statements are true and correct. (TX-02-2)
- See 31, item 4.

5. Enforcement (TX-02-1):

NOTE: This document repeats many provisions of TX-02 which are not abstracted below.

a. • The administrator may, for good cause, suspend solicitation, enrollment, or re-enrollment of students. (p. 4)
• The Administrator may revoke an issued certificate of approval or place reasonable conditions upon its continuation.

b.

c. • A certificate may be revoked or made conditional if there is reasonable cause to believe that the school is guilty of a violation of the law or any of these rules and regulations.
• An applicant whose certificate of approval is denied shall have the right of appeal. (p. 7)
• See 31, item 17 regarding false advertising claims.

d. • Students shall not be held liable for any tuition, fees, or other charges not previously disclosed to the Director. (p. 12)
• See 31, item 17 regarding false advertising claims.

TX-03

2. Application (TX-03):

Subchapter G authorizes the Coordinating Board to regulate private degree granting institutions. (See TX-01)

Public institutions governed by this Chapter include the state universities, colleges, and junior colleges.

No new department, school, degree, or certificate program may be added at any institution of higher education except with specific prior approval of the Board. (p. 532)

Subchapter H is concerned with the regulation of public institutions of higher education established out-of-state, which must have the approval of the Board before offering courses within the state. (p. 114)

No off-campus courses for credit may be offered by a public institution without specific prior approval of the Board. (p. 101)

3. Coverage (TX-03):

a.
- Functions vested in the governing boards of each institution not specifically delegated to the Coordinating Board shall be performed by the governing boards. (p. 528)
- The Board has the responsibility for adopting policies, enacting regulations, and establishing general rules necessary for the general control of public junior colleges. (p. 540)
- The Board shall prescribe the role and scope for each public institution. (p. 101)

b.
- The Board shall promulgate a basic core of general lower-division academic courses for junior colleges which shall be transferable among all public state institutions of higher education accredited by recognized agencies.

c.
- The Board shall develop, in cooperation with the State Board of Vocational Education, new certificate programs in technical and vocational education as needed by industry and shall recommend elimination of certificate programs for which a need no longer exists. (p. 532)
- The Board shall review all degree and certificate programs periodically and initiate, consolidate, or eliminate programs to meet the needs and requirements of the state and the institution. (p. 101)

d.
- To achieve excellence in teaching, the Board shall recommend minimum standards for faculty appointment and promotion and general policies for teaching loads. (p. 536)
- The Board shall recommend to the Legislature maximum enrollment limits for each institution and may recommend enrollment limits for any department, school, degree, or certificate program. (p. 101)
- The Board shall initiate and finance programs of teacher training for the teaching of educationally, economically, socially, and culturally disadvantaged students in the public junior colleges. (p. 104)

e.
- The Board shall determine formulas for space utilization in facilities at public institutions, ascertain that standards and specifications for construction and repair of facilities are met, and approve or disapprove major construction and repair that are not specifically approved by the Legislature. (p. 103)

f. • The Board shall establish formulas for making appropriations recommendations, and shall distribute funds appropriated for allocation for specific purposes, provided that no distribution may be made to any institution which has failed to comply with an order of the Board. (p. 539)

g. • The Board shall consider plans for selective standards of admission when institutions of higher education approach capacity enrollment. (p. 103)

h.

i.

j.

k. • The Board shall recommend to the Governor and the Legislative Budget Board tuition policies for public junior and senior colleges and universities, medical and dental units, and vocational and technical programs receiving support from state funds. (p. 539)

- The Board shall adopt rules and policies for the governing boards of institutions to fix foreign student tuition fees. (p. 106)
- The Board is authorized to provide tuition equalization grants to residents enrolled in approved private Texas colleges or universities. See TX-01. (p. 107)

4. Administration (TX-03):

a. • The Board may adopt standards for the operation of public junior colleges and prescribe rules and regulations for them. (p. 541)

- The Board shall prepare rules and regulations which may qualify a public institution of higher education established out-of-state to offer courses in-state. (p. 115)

b. • No new department, school, degree, or certificate program approved by the Board may be initiated by any institution until the Board has made a written finding that the school or program is adequately financed by legislative appropriation, by funds allocated by the Board, or by funds from other sources. (p. 535)

c. • Each governing board shall annually submit to the Board a comprehensive list of all courses, and descriptions of content, scope, and prerequisites, that will be offered the following academic year. The Board may order the deletion or consolidation of courses after giving notice with reasons for the action and after providing a hearing if requested. ((p. 534)

- The Board shall prescribe a uniform system of reporting, in accordance with College and University Business Administration, and the accounts of institutions shall be maintained and audited according to the approved system. (p. 542)
- The Board shall report on studies and recommendations to the Governor and Legislature and receive and distribute required reports as required from each institution. (p. 543) The Board shall report its activities annually. (p. 544)

5. Enforcement (TX-03):

a. • If the Board obtains evidence that an out-of-state public institution violates the law or rules and regulations, it shall take appropriate action to terminate operations within the state. (p. 115)

- The Board shall order the elimination of degree or certificate programs if in the best interests of the institutions or the general requirements of the state. (p. 582)
- No funds appropriated to any institution may be expended for any program which has been disapproved by the Board, unless the program is subsequently specifically approved by the Legislature. (p. 535)
- Only those public junior colleges certified by the Commissioner as in compliance with Board standards and rules shall be eligible for and may receive any appropriation made by the Legislature. (p. 541)

6. Other (TX-03):

In performing the functions assigned to it, the Board may contract with any state or federal agency and with corporations and individuals. (p. 543)

The Board shall develop and publish criteria to be used to determine the need for new public junior and senior colleges and universities. (p. 532)

TX-04

2. Application (TX-04):

Applies to the public junior colleges of Texas.

All authority not vested by law in the Coordinating Board or in the Central Education Agency is reserved locally in each district or college governing board. (p. 309)

3. Coverage (TX-04):

a. ● The purpose of each public community college shall be to provide technical programs up to 2 years leading to associate degrees or certificates; vocational programs leading directly to employment; lower division courses in arts and sciences; compensatory education to fulfill an admissions policy allowing the enrollment of disadvantaged students; and a continuing program of guidance and counseling. (p. 39)
   ● The Board shall have the responsibility for adopting policies, enacting regulations, and establishing general rules necessary for carrying out duties prescribed by the Legislature. (p. 308)
b. ● To receive state appropriations, a public junior college must offer a minimum of 24 semester hours of vocational and/or terminal courses.
c. ● A community college shall provide 2-year technical programs leading to associate degrees.
d. ● See TX-03, 3d.
e.

f. ● There shall be appropriated biennially an amount sufficient to supplement local funds for the proper support, maintenance, operation, and improvement of public junior colleges that meet prescribed standards. (p. 310)

g.

h.

i.

j.

k. ● A public junior college must collect from each full- and part-time student enrolled, matriculation and other fees in the amounts required and provided by law for other state-supported institutions, except that the amount charged non-residents will not be greater than the amount required by law on 1 January 1971.
   ● The minimum tuition charge for resident students shall be $25. (p. 39)
   ● A public junior college must grant, when properly applied for, scholarships and tuition exemptions provided for in this code. (p. 39)

4. Administration (TX-04):

a. ● Only those colleges which have been certified as prescribed in Section 61.063 (see TX-03, 5a) shall be eligible for and may receive any appropriation made by the Legislature to public junior colleges. (p. 310)

- The Board shall have the authority to authorize the creation of public junior college districts, according to the need for a college in the proposed district and the district's ability to provide adequate local financial support. (p. 308)

b.

c. - The Board shall have the authority to require necessary reports from each junior college in accordance with the Board's rules and regulations.

5. Enforcement (TX-04):

   a. - The Board shall have the authority to dissolve a public junior college district which has failed to establish and maintain a junior college within 3 years from the date of its authorization. (p. 308)

UTAH

1. Identification:

UT-01

The Utah Higher Education Act of 1969

Effective date: 1969, including revisions through 1973

Stated purpose: "...to afford the people of the State of Utah a more efficient and more economical system of high quality public higher education through centralized direction and master planning...[and] to vest in a single board the power to govern the state system of higher education...." (pp. 15-16)

Basic effect: Creates a state board of higher education to control, manage, and supervise the public colleges and universities; stipulates that the State Board for Vocational Education retain control of the technical colleges; designates a Commissioner as the chief executive officer; and authorizes the Board of Higher Education to approve major curriculum changes and awarding of degrees.

Basic coverage: Public degree granting

UT-01

2. Application (UT-01):

Applies to the state system of higher education, with a single State Board replacing existing governing boards of the state institutions, except that the State Board for Vocational Education retains the management and control of two technical colleges.

The State Board shall seek the cooperation of all private postsecondary institutions to attain an integrated and adequate system of post-high school education in the state. (p. 28)

3. Coverage (UT-01):

a. • The Board is authorized to define the roles of the institutions under its control and shall prescribe the general courses of study to be offerec at each institution.
   • The Board shall delegate certain powers to institutional councils. (p. 16)

b. • The Board shall establish procedures and policies for considering institutional proposals for substantial alterations in existing operations; changes shall not be made without prior approval of the Board.
   • "Substantial alterations" are the establishment of a branch, extension center, college, professional school, division, institute, department, or any new program in instruction or any new degree or certificate. (p. 22)
   • The Board shall receive the approval of the State Board for Vocational Education for curriculum changes to eliminate duplication of courses with the high schools and area vocational centers. (pp. 22-23)

c. • No institution shall award a degree without Board approval of the adequacy of the course of study for which the degree is offered. (p. 23)

d. • The Board shall appoint a president for each state institution and determine the salary.

e. • The Board shall approve or disapprove all new construction, repair, or purchase of educational facilities. (p. 24)

f. • The Board shall establish an up-to-date master plan to include criteria for the budgetary needs of the institutions.

g.

h.

i.

j. • The Board shall prescribe standardized systems of accounts, records, and reports covering in sufficient detail the operations of the educational systems under its control. (p. 20)

k. • The Board shall act as the agency to administer a loan insurance program for student residents to attend an eligible institution in Utah or any other state. Eligible institution is defined as one authorized to provide post-high school education which is nonprofit or public, accredited by a nationally recognized accrediting agency, or is determined by the U.S. Commissioner of Education to be eligible under any student loan insurance program supported in whole or in part by federal funds. (pp. 28-29)
   • The Board may fix the tuition, fees, and charges for each institution. (p. 21)

4. Administration (UT-01):

a. ● The Board shall be responsible for the implementation of the statewide master plan as adopted and periodically revised by the Board. (p. 20)
b. ● The Board shall conduct periodic reviews of all programs of instruction, and may require the modification or termination of any program, prior to which the Board shall give the institution concerned adequate opportunity for a hearing. (p. 22)
c. ● The Board shall annually report its activities to the Governor and Legislature. (p. 28)

6. Other (UT-01):

The Board shall have the power to enter into contracts with private non-profit agencies or corporations or with federal government agencies to accept financial or other assistance or to administer student loan programs.

VERMONT

1. Identification:

VT-01

State Law Relating to Correspondence Schools (Section 2751-2760)

Effective date: 1967

Stated purpose:

Basic effect: Requires solicitors of correspondence schools to obtain licenses and to be bonded.

Basic coverage: Private non-degree granting

VT-01-1

Rules and Regulations for Private Correspondence and Trade Schools

Effective date: 1 November 1967

Stated purpose:

Basic effect: Establishes procedures and information required for licensing of solicitors.

VT-02

An Act to Amend 16 V.S.A. S174 and 11 V.S.A. S102 Relating to the Conferring of Degrees and the Use of the Name "College" or "University."

Effective date: 1 July 1973

Stated purpose:

Basic effect: Requires a corporation organizing to engage in higher education to submit with its articles of association a certificate granted by the State Board, acting on advice of the Vermont Higher Education Council; prohibits institutions other than those incorporating as above from using names or titles descriptive of collegiate or university institutions; prohibits institutions from granting degrees unless they are certified to do so by the above process and unless they are organized as non-profit.

Basic coverage: Private degree granting

VT-02-1

Regulation for Certification of Institutions Organized to Engage in Higher Education

Effective date: 20 March 1968

Stated purpose: "...to assist the institution, to assure prospective students of the state's interest in the quality of the educational institutions established under its jurisdiction and to assure continuous maintenance of a bona fide program." (p. 1)

Basic effect: Establishes criteria for certification

VT-03

Chapter 72 -- Vermont State Colleges

Effective date: 1961; amended through 1974

Stated purpose: Creates "...as a part of the educational system of the state of Vermont a public corporation to be known as "Vermont State Colleges," which shall plan, supervise, administer and operate facilities for education above the high school level supported in whole or in substantial part with state funds;...." (p. 244)

Basic effect: Authorizes a board of trustees to govern the State College Corporation; to confer degrees; to make regulations for the government of each institution; to prescribe terms of admission, courses of instruction, educational standards, rates of tuition, scholarships, and other student aids.

Basic coverage: Public degree granting

UT-04

Laws relating to the University of Vermont: No. 96 of the Acts of 1864; No. 83 of the Acts of 1865; No. 66 of the Acts of 1955; and Chapter 75 and supplement

Effective dates: 1864, 1865, 1955. Earliest source r Chapter 75: 1937; latest revision: 1975

Stated purpose:

Basic effect: Establishes the Vermont Agricultural College and the University of Vermont, and provides for their governance.

Basic coverage: Public degree-granting

No further abstract prepared.

2. Application (VT-01):

"A person representing a privately owned correspondence or trade school doing business in this state [or located outside this state] shall not solicit or sell [in the state] for a consideration any...instruction to be conducted by correspondence unless he first gets a license from the secretary of state." (p. 1)

Also see prohibitions under 3i.

Exemptions:

a. Courses offered by employers solely to employees as a part of an in-service training program. (p. 3)

NOTE: Solicitors for correspondence schools accredited by an agency recognized by USOE and the Vermont Commissioner of Education are exempted from bonding requirements in 3f.

3. Coverage (VT-01):

f. ● Solicitors' bonds shall be in the penal sum of $5,000, may be continuous, and may be supplied by the applicant or by the school covering each of its agents in the amount of $5,000. (p. 1)
● See Section 2 NOTE regarding exemption from bonding requirements.

g.

h.

i. ● A person shall not: (1) cause to be made any statement or representation concerning a correspondence course if he knows or reasonably should have known the statement or representation to be false, deceptive, substantially inaccurate, or misleading; (2) guarantee employment utilizing information, training, or skill provided by a correspondence course unless he offers a bona fide contract of employment agreeing to employ the student or prospective student for not less than 90 days in an enterprise regularly conducted by him in which the information, training, or skill is a normal condition of employment; or (3) do any act constituting part of the conduct of a course or the obtaining of students if he knows or reasonably should know that any phase of the course is being carried on by the use of fraud, deception, or other misrepresentation, or by any person soliciting students without a license. (p. 3)

j.

k.

l.

m. ● See 3i.

4. Administration (VT-01):

a. ● The Secretary of State issues solicitors' licenses after review by and upon approval of the Commissioner of Education. The Secretary also furnishes application forms approved by the Commissioner of Education.

- The Commissioner of Education issues rules and regulations for the administration of this chapter, specifies information required in applications, and approves license applications.

b. - Licenses will be granted or denied within 15 days, or temporary licenses issued. (p. 2)

c. - Applications to the Secretary of State shall be made on forms provided accompanied by bond, if required, and fee. (p. 1)
   - The Commissioner of Education may require submission of catalogs, pamphlets, brochures, advertising, contracts, and school refund policy to enable him to recommend approval or rejection of applications. (p. 2)

d. - License applications shall be made annually before 1 July.

e. - Original license application fee shall be $10; renewal fee, $5. (p. 1)

f. - If the Commissioner has not determined whether to approve or reject a license application within 15 days, he shall issue temporary approval and the Secretary of State shall issue a temporary license subject to final approval by the Commissioner. (p. 2)

5. Enforcement (VT-01):

a. - Upon motion of the Commissioner of Education and after proper notice and hearing, the Secretary of State may revoke a solicitor's license.

b.

c. - Licenses may be revoked on finding that: (1) the holder solicits students through fraud, deception, or misrepresentation; (2) the holder is not of good moral character; or (3) the school has not complied with terms of any of its contracts. (p. 2)

d. - Solicitor bonds shall be conditioned to provide indemnification to any student suffering loss as a result of any fraud or misrepresentation used in procuring his enrollment or school failure to fulfill its contract.
   - Liability of the surety for each solicitor shall not exceed $5,000 for all students for all breaches of the bond conditions by the representatives covered. (p. 1)
   - Any act or remedy under this chapter shall not limit or impair the right of recovery otherwise available by law to any person injured by acts prohibited by this chapter.
   - No recovery may be had on any contract if the solicitor did not hold a license when the contract was made. (p. 2)
   - Persons violating this chapter shall be fined up to $500 or imprisoned up to 90 days or both. (p. 3)

VT-01-1

2. Application (VT-01-1):

   See VT-01.

3. Coverage (VT-01-1):

   f. ● See VT-01, 3f, all items.
   g. ● Students enrolled in Vermont secondary schools shall not be solicited for enrollment without written approval from the principals. (p. 1)
   h.
   i.
   j.
   k.
   l. ● See 4c, item 1, point 8.

4. Administration (VT-01-1):

   a. ● See VT-01, 4a, all items.
   b. ● Within 15 days of a renewal application, the Commissioner of Education will advise the Secretary of State of his determination or issue temporary renewal pending final determination. (p. 3)
   c. ● Applicants shall file the following information with the Commissioner of Education: (1) copy of the contract for use in enrolling Vermont students; (2) total cost to the student; (3) initial payment at time of registration; (4) amount of subsequent payments and a statement specifying when payments are due; (5) list of the books, supplies, and equipment to be furnished by the school; (6) list of the books, supplies, and equipment to be supplied by the student; (7) all other charges which the school may make, such as fees for a diploma or for graduation; (8) terms of settlement for the student who is rejected or dropped by the school, decides to discontinue his enrollment in the school due to death or disability, requests cancellation before his enrollment is received, accepted, and recorded, or requests cancellation within 30, 60, or 90 days from date of enrollment; (9) copy of the school catalog and advertising brochures; (10) school policy with reference to the acceptance of students currently enrolled in a Vermont secondary school; and (11) further information the Commissioner deems necessary. (pp. 1, 3)
      ● Schools represented by licensed solicitors shall immediately notify the Secretary of State of any change in name or ownership, or of termination of the solicitor. (p. 2)
      ● Renewal applications shall state that all information submitted in the original application is correct and up-to-date or state particulars when there have been changes. They shall also state that materials in 4c, item 1 are still in use or shall be accompanied by current versions of those materials. (p. 3)
   d. ● See VT-01, 4d.
   e. ● See VT-01, 4e. All fees are payable to the Treasurer of the State of Vermont. (p. 1)

f. • See VT-01, 4f.

5. Enforcement (VT-01-1):

a.
b.
c. • See VT-01, 5c.

VT-02

2. Application (VT-02):

"The articles of association of a corporation organized to engage in higher education shall be accompanied by a certificate granted by the state board acting on the advice of the Vermont Higher Education Council. The certificate shall state that the corporation is engaged in conducting a bona fide institution of higher learning, giving instruction in arts, and letters, science or the professions, or that the corporation proposes in good faith, to engage in that field and has or will have the resources, including personnel, requisite for the conduct of an institution of higher learning."

"No person operating an educational institution...above high school grade, shall adopt or use any title or name commonly accepted as descriptive of collegiate or university institutions unless the institution shall be incorporated as provided [above].... This [paragraph]...shall not apply to educational institutions existing on March 23, 1967."

"Only a corporation organized as [described in paragraph 1 above]...and organized as a non-profit institution, may grant a degree of any type. No corporation shall grant a degree...unless authorized and certified for such purpose by the state board with the advice of the Vermont Higher Education Council.... This [paragraph]...shall not apply to corporations authorized by the state board to grant degrees on or before March 23, 1967." (p. 1)

Exemptions: See NOTES.

NOTE: An institution possessing a valid renewal certificate, which is accredited by an accrediting agency designated by the State Board for that purpose, shall be entitled to a renewal certificate valid for an indefinite period conditioned to expire upon loss of accreditation. (p. 1)

NOTE: This Act does not apply to institutions of higher education operating in Vermont which are chartered in another state and accredited by the applicable regional accrediting agency recognized by the State Board, provided that the corporate articles are filed according to the laws of Vermont. (p. 2)

3. Coverage (VT-02):

a.

b. ● Certification shall be granted if the State Board finds that the corporation is offering education consistent with the integrity of the degree proposed to be offered.

c.

d. ● See Section 2, paragraph 1 regarding personnel.

e.

f. ● See Section 2, paragraph 1 regarding resources.

g.

h.

i. ● See Section 2, paragraph 2 regarding restrictions on use of terms.

4. Administration (VT-02):

a. ● The State Board, acting on the advice of the Vermont Higher Education Council, issues certificates to accompany articles of association of corporations organized to engage in higher education and/or grant degrees. (Whom such articles are filed with is not stated.) (p. 1)
   ● The State Board, with advice of the Vermont Higher Education Council, promulgates rules and regulations for certifications. (p. 2)

b.

c. ● See Section 2, NOTE 2.

d. ● Initial certificates expire 2 years from date of issue. Renewals may be issued for up to 3 years. See Section 2, NOTE 1 regarding differences for accredited institutions. (p. 1)

VT-02-1

2. Application (VT-02-1):

"...[these regulations] apply to the review and approval of four-year institutions with curricula leading to the Bachelor's Degree, a two year institution offering programs leading to the Associate Degree or certificate, institutions offering programs leading to a degree at the graduate level, and institutions desiring to use a name descriptive of a college or university." (p. 1)

3. Coverage (VT-02-1):

a. ● Responsibility for various phases of operation shall be clearly delineated. Policies to be delineated by the governing body, the chief executive and administrative staff, and faculty or other groups shall be stated. Administrative policies and procedures should be clearly stated. (p. 2)
b. ● To promote high quality, sound educational objectives and high standards should be inherent in any institution of higher learning.
   ● Quality of academic programs should be such as to stimulate excellence in endeavors of students and faculty. (p. 1)
   ● Programs of study should provide opportunity for concentration and for study in several areas in accordance with stated objectives. (p. 3)
c. ● See 3h, item 1.
d. ● A competent administrative staff shall be provided. (p. 2)
   ● Faculty shall have qualifications appropriate to their positions as indicated by their experience and academic degrees.
   ● There shall be a sufficient number of full-time teaching appointments to insure continuity and stability of the educational program.
   ● Student/faculty ratio (full-time equivalent faculty above assistant grade) shall be such as to assure ample student/faculty contact.
   ● Faculty classroom teaching load shall permit adequate study for professional growth, classroom preparation, and appropriate non-teaching functions. (p. 3)
   ● See 3e, item 4.
e. ● Quality of physical facilities should be such as to stimulate excellence in endeavors of students and faculty. (p. 1)
   ● Physical plants shall provide safe, sanitary, healthful living and study conditions, and be approved by the State Board of Health and the State Fire Marshall. (p. 3)
   ● Laboratories shall be adequately equipped and provide sufficient equipment and work space to accommodate course enrollments.
   ● Libraries shall have professionally trained staffs adequate to institutional purposes, and shall provide seating space for quiet study for a reasonable number of faculty and students. Collections shall be suitable, up-to-date, and readily accessible, with adequate appropriation budgeted yearly for strengthening the library. (p. 4)
f. ● Institutions shall present clearly stated financial policies and designate financial officers to oversee business and financial operations. (p. 2)

- Institutions shall have financial resources sufficient to carry out stated objectives. If the institution is profit-making, dividend payments on stock shares or ownership rights shall not impair its capacity to carry out its stated educational objectives. (p. 3)

g. • Admission shall be based on standards which assure prospective students and the institution that applicants should be able to successfully pursue and complete their chosen programs. Normally this means satisfactory completion of a 4-year course in an approved secondary school, but other equivalent criteria are not precluded. (p. 3)

h. • Requirements for graduation and for specific degrees shall be clearly stated in terms related to adequate length of time and quality of achievement, or in semester hours. (p. 3)

- Each institution shall publish a catalog stating its objectives and describing its program, including: (1) members of its governing board; (2) staff and faculty; (3) admission requirements and student costs; (4) curriculum offerings; (5) degree requirements; (6) statement of whether or not formal application has been made to the State Board of Education for certification and, if so, date of application; (7) name of accrediting agency, if any; and (8) for profit-making institutions, statement of stock or ownership rights and policies governing payment of dividends and voting rights.
- Catalogs published after Board action shall contain a statement describing such action.
- All published material shall accurately describe currently existing school facilities. (p. 4)

i.

j.

k.

l.

m.

n. • Provision should be made for continuing reassessment of the institution's educational program. (p. 3)

4. Administration (VT-02-1):

a. • For duties of the Vermont Higher Education Council, the Commissioner of Education, the State Board of Education, and the Secretary of State, see process described in 4b.

b. • Upon receipt of the application by the Commissioner of Education, the Commissioner shall notify the Vermont Higher Education Council of the application. The Council will forward to the Commissioner the names of members of an evaluating committee. The Commissioner will in addition appoint representatives of his staff to serve on the committee, and will arrange with the institution a date for the Committee's visit. The Committee will prepare a report of the visit and submit copies to the Council, the Commissioner, and the institution. The institution may present to the Commissioner and the Council a statement of facts in respect to the report.

The Committee will also present separately to the Council its recommendations on certification. The Council or its executive committee will consider the report and recommendations and advise the Commissioner of Education concerning certification.

The State Board of Education shall designate a date for a review of the report and action to be taken by the Board. Officials of the institution may be heard or present a statement of facts for Board consideration at this time. The State Board of Education shall then certify its findings for the Secretary of State. (pp. 4-5)

c. • Each institution requesting certification shall include a description of the institution containing the following: (1) statement of educational philosophy; (2) statement of purposes and objectives including, if the institution is formed for profit, statement of stock or ownership rights, policies governing the payment of dividends, and voting rights; (3) statement of program and procedures, describing ways of reaching objectives within its educational philosophy; (4) statement describing its organization and finances, including an audited verified financial statement indicating its resources and a dated operating statement listing income and expenditures, both prepared by a certified accountant; (5) statement describing its administration; (6) statement describing its plant; (7) statement of policy governing original appointments, continuing appointments, tenure, and dismissal; (8) list of faculty indicating professional preparation, degrees earned, and teaching experience for each member; and (9) brief description of the teaching program and institutional responsibilities for each faculty member. (pp. 1-2)

d.

e.

f. • Section on conditional certificates to be considered at a later date.

5. Enforcement (VT-02-1):

a.

b.

c. • Section on revocation of certificates to be considered at a later date.

VT-03

2. Application (VT-03):

Applies to state-operated institutions of higher education including teachers colleges and the Vermont Agricultural and Technical Institutes.

Prohibits the State College Corporation from any responsibility for the planning, supervision, administration, or operation of the University of Vermont.

3. Coverage (VT-03):

a. ● The Board of Trustees shall make by-laws and regulations for the governing of each institution under its control prescribing, among other things, educational standards.
b. ● The Board shall prescribe courses of instruction.
c. ● The Board may confer such honors and degrees as are usually given in colleges and universities and any other appropriate degrees.
d. ● The Board may also appoint professors, instructors, and other necessary staff and prescribe their duties, salaries, and terms of office. (p. 247)
c. ● The Corporation shall own and improve the property of institutions under its control, and promote its use as institutions of higher education. (p. 244)
f. ● The Corporation shall administer procedures relating to accounting practices, control of expenditures, budgets, audits, and purchase of supplies.
g. ● The Board shall prescribe the terms of admission.
h.
i.
j.
k. ● The Board shall prescribe the rates of tuition, scholarship, and other student aids. (p. 247)

4. Administration (VT-03):

c. ● The Board shall file biennially with the Commissioner of Administration and State Treasurer statements showing the amounts appropriated and expended. (p. 248)
   ● The Commission of Administration shall have access to and the right to copy any records of the Corporation under such regulations as the Governor may prescribe. (p. 248)

RHODE ISLAND

1. Identification:

RI-07

Chapter 40--Private Schools

Effective date: 1932; last amended 1975

Stated purpose:

Basic effect: Requires approval of the Board of Regents for educational institutions to be incorporated or established, or to transact business in Rhode Island; requires authorization to award degrees.

Basic coverage: Private degree and non-degree granting

RI-07-1

Proprietary School Standards for Approval

Effective date: 15 February 1973

Stated purpose: "...to provide for the regulation of proprietary schools in the implementation of sound ethical standards of operation to assure continued growth of these schools' contribution to the educational needs...." (p. ii)

Basic effect: Sets standards and procedures for approval of proprietary schools.

Basic coverage: Private non-degree granting

RI-07-2

Standards for approval of institutions of higher education

Effective date: 1963?

Stated purpose:

Basic effect: Lists approval standards in 12 areas.

Basic coverage: Private degree granting

RI-11

Chapter 50--Correspondence schools, home study and related courses

Effective date: 1969

Stated purpose: "...to supplement the general law of fraud so as to provide adequate protection for students, educational institutions and the general public." (p. 283)

Basic effect: Prohibits agents of correspondence schools from soliciting students in Rhode Island without a permit; prohibits false advertising, guarantees of employment, and deceptive practices.

Basic coverage: Private, non-degree granting (correspondence schools only)

RI-11-1

Correspondence school standards for approval for solicitation

Effective date: 15 March 1973

Stated purpose: "...to provide for the regulation of correspondence schools." (p. ii)

Basic effect: Sets standards for the approval of correspondence schools for purposes of solicitation.

RI-02

Chapter 30--Special Technical Institutes

Effective date:

Stated purpose: "The school committee of any city or town may, with the approval of the department of education, establish a technical institute, to offer educational opportunities in the technical fields through the thirteenth and fourteenth years of school." (p. 183)

Basic effect: States that a tuition charge for resident and non-resident students may be established by a school committee and, if providing special educational opportunities for veterans, may set a tuition charge and contract with the Veterans Administration to receive such tuition charges.

Basic coverage: Public non-degree granting (2-year institutes)

No further abstract prepared.

RI-03

Laws Relating to Education: Title 16. Chapter 31--Board of Trustees of State Colleges; Chapter 32--University of Rhode Island; Chapter 33--Rhode Island College; Chapter 33.1--Rhode Island Junior College; Chapter 44--Community Colleges

Stated purpose: Creates "a board of trustees of state colleges...to exercise all powers usually appertaining to public corporations entrusted with the control of state institutions of higher education." (pp. 184, 186)

Basic effect: Defines the general powers of the Board of Trustees and the areas of responsibilities including budget review, employment of staff, and awarding of degrees.

Basic coverage: Public degree and non-degree granting

RI-04

Chapter 37--State scholarships

Effective date:

Stated purpose:

Basic effect: Delegates authority to the Commissioner and the Board of Education to regulate the submission of applications for scholarships, determine the eligibility of applicants, and award the appropriate state scholarships from funds annually appropriated by the General Assembly.

Basic coverage: Public and private degree granting (includes 2-year institutions of higher learning)

RI-10

Chapter 49--Board of Regents for Education

Effective date: Includes 1973 revisions

Stated purpose: Establishes "...a board of regents for education...as... successor to all powers, rights, duties and privileges formerly belonging to the board of trustees for state colleges, the state board of education, and the department of education." (p. 269)

Basic effect: Authorizes the Board of Regents to be an overall planning and coordinating body with policy making and general supervision duties over all public education in the state and over non-public education as provided in Section 8. See RI-07.

Basic coverage: Public and private degree and non-degree granting

RI-07

2. **Application (RI-07):**

"No...institution of...higher education shall be incorporated or established in this state or be permitted to transact business...unless and until suitable provision, approved by the board of regents, shall be made that...[it]...is in compliance with the provisions of this chapter and with the regulations and standards for approval adopted...to implement this chapter." (p. 1)

"No...institution of education conducted within this state...shall admit any ...person to the grade of a degree...except under the authority of a charter or articles of association specifically authorizing the granting of degrees...." (pp. 2-3)

"All private schools offering instruction...to students above the compulsory school age, shall be registered at the department of education...[and]... shall not operate until they have received the approval of the board of education and shall continue to operate only as long as such approval remains in force." (p. 6)

The first two paragraphs above shall not apply to schools conducted under the Public School System, to educational institutions conducted for 10 years prior to 1932, nor to institutions established by a special act of the General Assembly. (p. 5)

3. **Coverage (RI-07):**

a.

b.

c. ● Authority to grant degrees shall not be part of the function of a corporation or educational institution unless its charter or articles of incorporation specifically indicate the power to grant degrees and the nature of the degrees to be granted. (p. 2)

d.

e.

f.

g.

h.

i. ● See 3m.

j.

k.

l.

m. ● No private school offering instruction to students above compulsory school age shall promise placement or employment as a means of inducing enrollment. (p. 6)

4. Administration (RI-07):

- a.
  - When the Secretary of State receives the article of association establishing an educational institution, he shall transmit them to the Board of Regents and shall not issue a certificate of incorporation until the Commissioner of Education files a certificate that the Board of Regents has approved the application for incorporation. (p. 1)
  - When the Secretary of State receives amendments to a charter or articles of incorporation, he shall submit the amendments to the Board of Education for approval prior to issuing the certificate authorizing the changes. (p. 2)
  - Schools shall register with the Department of Education and receive approval to operate from the Board of Education. (p. 6)
- b.
- c.
  - The registry of all private schools or institutions shows location, name, officers or persons in charge, grade of instruction, and common language used in teaching.
  - Such schools shall report annually showing the number of different pupils enrolled, average attendance, number of teachers employed, and such other facts of age, attendance, and subjects taught as required. (p. 5)
  - The registry of all private schools offering instruction to students above compulsory school age shows name of school location, names of officers or persons in charge, fields of instruction, rate of tuition, and training and experience of teachers.
  - All such schools shall report annually on prescribed forms the number of different pupils enrolled, the fields of instruction covered, the length of the course, the number of teachers employed, and other required facts. (p. 6)
- d.
- e.
- f.
- g.
  - The Department shall keep a written record of approvals and revocations for public inspection. (p. 3)
  - All private schools shall be registered at the Department of Education. (pp. 5, 6) See 4c, items 1 and 3.

5. Enforcement (RI-07):

- a.
  - The Department of Education may bring suit against violators of this Chapter.
  - The District Court judges such suits.
- b.
  - Suits result from verified complaints. The Department of Education may make verification. (p. 4)
- c.
  - Approvals may be revoked for proper cause after hearing. (p. 3)
- d.
  - Conferring degrees without approval is punishable by a fine of $300 for each offense.
  - Persons conferring degrees after approval to do so has been revoked are subject to the same penalties as if no approval had been granted. (p. 3)
  - Upon conviction in a suit, the Department of Education files the name of the convicted corporation with the Secretary of State as a public record. Upon such filing, the charter or articles of association are forfeited and the corporation ceases to exist. (p. 5)

- Failure to pay judgments in suits is punishable by imprisonment up to 90 days if the defendant is not a corporation. (p. 4)
- The Superior Court is empowered to grant injunctive relief for violations of this Chapter. (p. 5)
- Schools which promise placement or employment as a means of inducing enrollment or are conducted without the approval of the Board of Education are guilty of a misdemeanor and subject to a fine of not less than $500. (p. 6)

RI-07-1

2. Application (RI-07-1):

"No school shall maintain, advertise, solicit for, or conduct any course of instruction in Rhode Island without obtaining approval from the Board of Regents." (p. 1)

A "proprietary school" or "school" shall be any organization or association, profit or non-profit, doing business in the state by offering, for tuition or fee, instructional services or supplementary training which is not specifically exempted.

Exemptions:

- a. Purely avocational or recreational instruction.
- b. Instruction sponsored by an employer for employees for which no tuition is charged.
- c. Instruction sponsored by a recognized organization for members.
- d. Driver training schools licensed by the Rhode Island Registry of Motor Vehicles.
- e. Schools approved by other standards established by the Board of Regents and/or Commissioner of Education.
- f. Schools which were properly registered and approved on 7 May 1941.

NOTE: If the school is accredited by a USOE-recognized agency, its refund policy will be accepted.

3. Coverage (RI-07-1):

a.

b. • Instruction shall be of such nature and quality to reasonably assure that students will adequately develop the job skills and knowledge necessary for obtaining employment. (p. 6)

c. • Upon successful completion of training, the student shall be given evidence of this. (p. 7)

d. • Instructors' qualifications will be considered on an individual basis for each school; however, each shall: (1) hold all licenses, certificates, and ratings necessary to instruct in the field; and (2) have completed a training program commensurate with his area sufficiently extensive to qualify him as an instructor. (p. 4)
- See 4c, items 6 and 7 regarding submission of officer and director references.
- Each school shall designate a director responsible for program, class or organization, plant, records, and other administrative procedures. The director shall be a college graduate or have sufficient background and training. (p. 3)
- The school shall maintain sufficient and qualified faculty to teach all subjects for completing the course during the length of time stipulated in the school bulletin. (p. 7)

e. • Equipment required shall be determined by the occupational objective. It shall be comparable to that currently found in business establishments.
- The school shall provide adequate equipment in good working order.
- Equipment shall be of sufficient quality and quantity to meet maximum authorized enrollment. (p. 9)

- The school plant shall meet all applicable governmental health, safety, and building standards.
- The plant shall be inspected annually by fire, health, and building inspectors; certificates of inspection shall be filed with the Department of Education.
- The school shall provide adequate space for classroom instruction and laboratory experiences. (p. 10)
- f. The school shall have sufficient finances to establish and carry out a satisfactory program of education on a continuing basis.
- See 4c, item 15 regarding submission of financial statements.
- School bonds are required for approval. The surety shall not be less than the sum determined by the average number of students expected to be enrolled times average tuition and fees charged in advance, but never less than $1,000. When no advanced tuition or fees are received, a $1,000 bond is sufficient.
- The bond shall be a blanket-type document covering activities of the school and all representatives. (p. 10)
- Surety is payable to the Board of Regents. (p. 2)
- g. See 4c, item 8.
- h. Prior to enrollment, the school shall furnish each student with a copy of the school bulletins and course outlines; schedule of tuition, fees, and other charges; refund policy; enrollment contract; and regulations pertaining to absences, grading policy, and rules of operation and conduct. (p. 4)
- See 3k, item 3 regarding publishing of scholarships.
- See 4c, item 13.
- i. Schools shall not publish courses which have not been approved. (p. 6)
- All advertising shall be submitted to the Commissioner of Education for approval before being used.
- Printed bulletins or other promotional information shall be specific with respect to training prerequisites for admission, the curricula, and graduation requirements.
- Schools or representatives shall not use illustrations in bulletins or literature in such a manner as to convey a false impression as to size, importance, or location of the school, equipment, and facilities.
- Endorsements may be used in catalogs and advertising provided prior consent is obtained, and no remuneration is made. Such letters shall be kept on file and subject to inspection. Testimonial letters may be used only when they are strictly factual and portray currently correct conditions or facts.
- Schools or representatives shall not make deceptive statements concerning other proprietary school activities in attempting to enroll students.
- Classified advertising seeking prospective students shall appear under "instruction," "education," "training," or similar classifications, and shall not be published under any "help wanted" or "employment" classifications or through blind advertisements.
- Advertising shall clearly indicate that training is offered and shall not imply that prospective employees are being sought. (p. 7)
- Advertisements shall include and clearly indicate the full and correct name of the school, its address, and the city where the school is located.
- No advertisements shall use the word "wanted," "help wanted," or "trainee," nor shall any advertisement indicate in any manner that the school has or knows of jobs or employment. Only "placement assistance," if offered, may be advertised.

- No guarantee of employment shall be made; nor shall opportunities for employment be falsely represented.
- No dollar amount shall be quoted in any advertisement as representative of the earning potential of graduates.
- No statement indicating accreditation shall be made unless the accreditation is that of a nationally recognized, USOE-listed agency.
- No school shall advertise as an employment agency under the same name or a confusingly similar name or at the same location as the school.
- No representative shall solicit students for a school through an employment agency.
- See 3j, item 4.
- The Commissioner may require that a school furnish proof of its advertising claims.
- No school shall use the fact of its approval in its advertising except in specified manner. (p. 8)

j.
- The school shall maintain a written record of the previous education and training of the applicant student which indicates that appropriate credit has been given for previous education and training. (p. 4)
- Appropriate attendance records shall be established and maintained. (p. 9)
- The school shall retain all records for at least three years. (p. 12)
- See 3n, item 3 regarding progress evaluation records.
- If a placement service is advertised, adequate records shall be maintained which reflect employment data. (p. 8)

k.
- Students shall not be held liable for any tuition, fees, or charges not previously submitted to the Commissioner.
- See 4c, item 11 for submission requirements.
- Scholarships may be offered provided their terms are published and submitted to the Commissioner. (p. 5)

l.
- The effective date of the termination for refund purposes shall be the earliest of the following: (1) the last day of attendance if the student is terminated by the school; (2) the date of receipt of written notice from the student; or (3) 10 school days following the last date of attendance. (p. 5)
- Refunds shall be made within 30 days after termination.
- If a school is accredited by a USOE-recognized accrediting commission, its refund policy will be accepted. It may be required that the policy include the 3-day cooling-off period (see below). (p. 6)
- For students who request cancellation within 3 business days from signing of the contract, the school shall refund all money paid.
- For students whose enrollment is rejected, the school shall refund all monies paid.
- Refunds shall be based on the period of enrollment computed on the basis of course time expressed in clock hours. (p. 5)
- If advance tuition is collected and the student does not enter the school, not more than $50 shall be retained.
- In cases of termination or withdrawal after classes commence, the minimum refund policy shall be: (1) during the first quarter of the course, the student shall be refunded 75% of the tuition, less a registration fee not to exceed $50; (2) during the second quarter, the student receives 50%, less the registration fee; (3) during the third quarter, the student receives 25%, less the registration fee; and (4) during the last quarter, the student may be considered obligated for the full tuition. (p. 6)
- For programs longer than 1 year, 100% of the price beyond the first year shall be refunded when the student withdraws during the first year. (p. 5)

- Refunds of items such as tools, activities, laboratory fees, deposits, and other ancillary charges where these items are separately stated shall be made in a reasonable manner acceptable to the Commissioner. (p. 6)

m.
- See 3i, items 14 and 15.
- See 3j, item 4.

n.
- See 3j, item 1 regarding credit for previous education and training.
- Appropriate standards shall be implemented to ascertain the progress of the students enrolled.
- The progress evaluation records shall reflect whether the student is making satisfactory progress to the point of being able to complete all subject matter within the allotted time provided in the course curriculum.
- The progress evaluation policy shall stipulate what is considered failing or unsatisfactory progress. (p. 9)
- Enrollment capacity shall be determined by the Commissioner. (p. 10)
- Transcripts shall be available to students upon request. (p. 11)
- See 4c, item 8 regarding rules and regulations pertaining to student conduct.
- See 3j, item 4 regarding employment data.

4. Administration (RI-07-1):

a.
- School approvals are obtained from the Board of Regents. The Commissioner of Education receives applications. (p. 1)

b.
- A school shall be approved only when it is ascertained that it meets standards. (p. 3)
- See 3e, item 5 regarding the inspection of the school plant.

c.
- Written applications for original and renewal approval shall be made on forms provided.
- Approvals are not transferable. New owners shall comply with all requirements for original approval within 30 days of change in ownership. (p. 1)
- The following supporting documents shall accompany the application: (1) certification from fire, building, and health officials that the school plant adheres to regulations; (2) references attesting to moral character of staff; (3) statements relative to the financial stability of the school; (4) evidence of surety payable to the Board of Regents; (5) a statement concerning any accreditation or approval granted the school by any recognized agency or association; (6) a copy of the school's calendar for a complete year showing terms, enrollment dates, vacation periods, and holidays; (7) a copy of the curriculum for each course showing content of subjects taught and type of work or skills to be learned; (8) a copy of each form used for record maintenance purposes; (9) a copy of each type of certificate or diploma issued; (10) a copy of all catalogs, circulars, enrollment or application blanks, and contract forms; and (11) a copy of all advertisements.
- Renewal applications shall include evidence of surety and any changes made since the last approval. (p. 2)
- Any new catalogs, circulars, or enrollment or application blanks shall be filed with the Commissioner prior to their distribution. Proposed changes in instructional staff, courses of study, tuition, or methods of payment shall be submitted to the Commissioner for approval. If unforseeable circumstances require immediate staff procurement, the approval may be sought immediately after the change takes place. (pp. 2-3)

- At least three references attesting to the moral character of officers shall be submitted.
- At least three references attesting to the moral character and professional competency of the director shall be submitted. (p. 3)
- Entrance requirements for each course shall be submitted for approval.
- A copy of acceptable rules and regulations pertaining to student conduct shall be submitted.
- All tuition, fees, and other charges shall be stated in the application for approval. (p. 4)
- All methods of payment that are available to enrolling students shall be submitted. If student financing is available through an agreement between the school and a lending institution, the complete terms of the agreement shall be submitted. If any form of financing is available at the school, all charges and the true annual percentage rate shall be submitted. (p. 5)
- See 3k, item 3 regarding submission of scholarships.
- If an approved course is discontinued, the Commissioner shall be notified and the course removed from the list of approved courses. (p. 7)
- The Commissioner may require that the school furnish proof of its advertising claims. (p. 8)
- For original or renewal approval, the school's owner shall furnish the Commissioner with a statement of financial position (balance sheet), a statement of results of operation (statement of income and retained earnings), and a statement of changes in financial position, prepared by a public accountant or CPA, and accompanied by a notarized statement by the owner or operator that the financial statements are true and correct. The accountant shall be identified. (p. 9)
- See 3e, item 5 regarding submission of certificates of inspection.
- The school shall make available the records and necessary data required for approval for evaluation by a representative of the Commissioner.
- The school shall file with the Commissioner on forms provided such reports as are required by him. (p. 11)

d. • School approvals expire annually. (p. 1)

5. Enforcement (RI-07-1):

a. • See 5c.

b.

c. • Any violation of the regulations may be considered cause for the revocation of approval by the Board of Regents.

- If the Commissioner denies approval of changes, then they may be submitted to the Board of Regents.
- If proof of advertising claims acceptable to the Commissioner cannot be furnished, a retraction of the claims shall be published in the same manner as the claims themselves. Continuation of unproved advertising shall constitute cause for suspension or revocation of approval. (p. 8)

d. • See 5c, item 3.

- Bonds shall be conditioned to clearly show that the principal shall carry out and comply with each contract and shall pay back all amounts collected in case of failure to obtain approval from the Board of Regents, to open and conduct a school, to comply with its contracts, or to give instruction for the full period of the contract. (p. 10)

3. Coverage (RI-07-2):

a.
- The petition for approval by the State Board of Education must contain a carefully and concisely stated description of the purposes and objectives of the institution. The curriculum pattern, facilities, preparation of staff, and financial resources must be consistent with the announced functions and objectives.
- The governing body should be a board of trustees, whose terms shall be arranged to provide continuity.
- The institution should not be owned or operated for private profit.
- The institution should be organized and administered in ways consistent with principles of democratic administration and with its objectives. (p. 1)

b.
- See 3a, item 1 regarding curriculum pattern.
- The institution will be expected to show a sympathetic concern for the quality of instruction and to give evidence of efforts to make instruction effective. Consideration will be given to teaching competence in selection and promotion, incentives for faculty scholarship and research, faculty organization, methods used to make testing more accurate measures of students' achievements, and to evaluation of the entire program so offerings and procedures are geared to the needs of students.
- Curricula should contain offerings implied by the statement of objectives. In general, these include general education, advanced courses when appropriate, and special courses appropriate to the specific objectives claimed among the institution's functions.
- The organization of the curricula should be such as will best serve the needs of students and as implied by the declared objectives. Consideration will be given to the means used in curriculum construction and evaluation and to the democratic procedures employed to stimulate improvement of instruction and adjustment of courses. (p. 2)

c.
- No person should be granted an associate degree unless he has completed at least 60 semester hours of college work. Ordinarily the final year shall be spent at the institution granting the degree.
- No person should be granted a baccalaureate degree unless he has completed at least 120 semester hours of college work. At least one year shall be spent at the institution granting the degree.
- Requirements for graduate degrees should be consistent with approved practices in other recognized institutions. (p. 3)

d.
- See 3a, item 1.
- The financial management of the institution should be under the supervision of one who is effective as a financial administrator and also recognizes the educational significance of the program.
- The institution shall have a competently trained faculty with basic education and experience fitted to the proper conduct of its program. Consideration will be given to the amount and kind of education of individual members, to their experience and educational work, and to their scholarship. (p. 1)
- The educational qualifications of faculties in recognized and accredited institutions of similar type will be considered in judging the faculty.

Ordinarily, the minimum preparation must be a master's degree or its recognized equivalent.

- The size of classes and the teaching load must be such as to promote both effective teaching and learning. Consideration will be given not only to class instruction hours, but to other duties and professional and other activities outside the institution.
- The ratio of students to faculty should conform to accepted standards. The number of students in a laboratory class should not exceed the number for which adequate facilities exist or the number that an instructor can handle effectively.
- An instructor should not be assigned to more than 18 semester hours of teaching or equivalent in other college responsibilities. (p. 2)
- See 3b, item 2.
- e. See 3a, item 1.
- See 3d, item 6.
- The physical plant shall be adequate to provide safe, sanitary, and healthful conditions as judged by modern standards. The material, equipment, and upkeep of lands, buildings, classrooms, libraries, laboratories, and apparatus for laboratories should be sufficient to insure efficient and effective operation. (p. 3)
- The institution should have a well-distributed, professionally administered library, adequate to the effective realization of its stated objectives. The library should contain sufficient volumes distributed so that the curricula are each provided with adequate reference material. Consideration will be given to the extent the library is actually used; the number, variety, and recency of publications; the suitability of materials; the sufficiency of space set aside for quiet study and leisure-time reading; the accessibility of materials; the amount of annual appropriation for new books; and the method by which new books are selected. (pp. 3-4)
- f. The financial resources of the institution must be adequate for the effective accomplishment of its announced purposes; that is, sufficient to enable the institution to employ and retain competent instructors and administrators. The income must be expended to provide adequately for the instruction, administration, maintenance, equipment, supplies, and student activities of its announced program. Contributed services shall be recognized as part of income.
- The financial records must be kept in such form that rapid analysis is possible at any time to determine the economic status of the institution. The annual statement should be audited each year by a properly qualified accountant outside the institution.
- The expenditures for promotion must not be disproportionately large. (p. 1)
- See 3a, item 1.
- See 3d, item 2 regarding qualifications of the financial manager.
- g. The institution should admit only those students whose educational interests are in harmony with the purposes of the institution and whose abilities qualify them to pursue the studies for which they are accepted.
- The major portion of the secondary school course should provide an adequate foundation for the curriculum to which the student is admitted.
- In general, high school graduation or its equivalent should be required for admission.
- h. Requirements for admission and graduation must be clearly stated in the bulletin or catalog. (p. 3)

i. ● All material published should contain descriptions of conditions and facts as they actually exist. Descriptions of the offerings of the institution should be so well edited as to serve as obvious evidence that the institution is administered by responsible and competent persons.

j. ● Student folders should include official transcripts of credits earned in secondary school, college admission records, and transcripts establishing advanced standing. Cumulative records of achievement and intelligence tests, academic grades, and other data should be kept in permanent form and readily available. Adequate provision should be made for the safe-keeping and security of permanent records. Data on alumni should also be kept so that the "product" of the institution might be evaluated.

k.

l.

m. ● See 3j regarding alumni records.

n. ● The institution should make adequate provision for medical attention, nurse service, infirmary accommodations, and other precautionary measures.

● The institution should have a definite program for determining the intellectual capacity of all its students. Provision should be made for measuring special aptitudes as a basis for educational and vocational guidance. Further provision should be made to counsel students in health problems, financial affairs, and intimate personal problems.

● The institution should provide opportunities for a well-regulated program of activities as are necessary to meet the cultural, social, and physical needs of students.

● If a program of intercollegiate or intramural athletics is maintained, the same policies should prevail in regard to faculty, administration, and management of students as prevail in other features of the institution. In appraising the athletic program, consideration will be given to requirements for eligibility, distribution of financial aid, means used to safeguard health, administrative organization, financial control, and competence of staff. (p. 4)

RI-11

2. Application (RI-11):

"No person representing any school...offering courses in this state, or from a place of business in this state, shall sell any course or solicit students... in this state unless he first secures a permit...." (pp. 284-285)

"No person representing a school...located outside this state, shall sell any course or solicit students...in this state for a consideration or remuneration unless he first secures a permit...." (p. 289)

This chapter applies to correspondence schools, home study, and related courses.

Exemptions:

a. Courses recognized by the State Department of Education for purposes of the compulsory school attendance law
b. Courses offered by an educational institution accredited by the applicable national or regional accreditation agency recognized by the Department
c. Courses offered by an employer solely to employees at no charge. (pp. 283-284)

3. Coverage (RI-11):

a. ● No person shall do any act constituting the conduct or administration of a course if he knows or should know that the course is being carried on by the use of fraud, deception, or other misrepresentation, or by a person soliciting students without a permit. (p. 284)
b.
c.
d.
e.
f. ● Surety bonds in the sum of $1,000 are required for agents' permits. Continuous bonds are permitted. Bonds may be supplied by the agent himself or a blanket bond covering each agent for $1,000 may be submitted by the school. (p. 285)
g.
h.
i. ● No person shall make any statement or representation in connection with the offering or publicizing of a course if he knows or reasonably should know that it is false, deceptive, substantially innaccurate, or misleading. (p. 284)
   ● Issuance of a permit shall not be deemed to constitute approval of any course or institution. Any representation to the contrary is a misrepresentation. (p. 286)
   ● See 3f regarding agents' bonds.
j.
k.

l.

m. • No person shall promise employment unless he offers the student a bona fide contract of employment for 90 days in a business conducted by him in which the training offered is a normal condition of employment. (p. 284)

4. Administration (RI-11):

a. • Permits are issued by the Department of Business Regulation. (p. 285)
   • The Department of Business Regulation issues licenses on the approval of the Commissioner of Education. (p. 287)
   • The Commissioner of Education shall adopt rules and regulations for the administration and enforcement of this Act and may establish an advisory committee of owners or operators of institutions and other knowledgeable persons to advise him in its administration. (pp. 286-287)

b.

c. • Applications for permits shall be made on forms provided.
   • A separate permit shall be obtained for each school represented by an agent.

d. • A permit shall be valid for one year from the date on which it was issued.

e. • The fee for an original or renewal permit is $5.
   • Fees shall be deposited in the General Fund of the State Treasury. (p. 285)

f. • Permits shall be granted or denied within 30 days. If the Department of Business Regulation has not made a determination within this period, it shall issue a temporary permit. (p. 286)

5. Enforcement (RI-11):

a. • The Attorney General or any local prosecuting officer, at the request of the Commissioner of Education or the Director of Business Regulation or on his own motion, shall bring action in any court of competent jurisdiction for the enforcement of this Chapter. (p. 287)
   • See 4a, item 3.
   • See 5c, item 1.

b.

c. • Permits may be revoked by the Department of Business Regulation after notice and hearing if the holder solicits or enrolls students through fraud, deception, or misrepresentation. (p. 286)
   • See 3i, item 2 for an example of misrepresentation.
   • Any action regarding the issuance, denial, or revocation of a permit shall be subject to judicial review in accordance with administrative procedures set forth in another act. (p. 287)

d. • Bonds shall be conditioned to provide indemnification to any student suffering loss as a result of any fraud or misrepresentation used in procuring his enrollment.
   • The aggregate liability on a bond for each agent shall not exceed $1,000. (p. 285)
   • The fact that a bond is in force shall not limit or impair any right of recovery, nor shall the amount of the bond be relevant in determining the amount of damages or other relief.

- No recovery shall be had on any contract if the person selling the course was not a holder of a permit as required and if the agent did not display his permit at the time the contract was negotiated. (p. 286)
- Schools, agents, or assignees shall not be permitted to bring suit in any court in Rhode Island unless the agent was a holder of a permit. Compliance with the provisions of this Chapter shall be a condition to carrying on business in this state and to enforcing contracts in any court of the state.
- Any act or omission in violation of this Chapter shall be a misdemeanor punishable by a fine up to $5,000, imprisonment up to 90 days, or both. (p. 287)

RI-11-1

2. Application (RI-11-1):

"No correspondence school or home study course shall solicit without the approval of the Commissioner of Education and a permit from the Director of Business Regulations." (p. 1)

See RI-11 for exemptions.

3. Coverage (RI-11-1):

a.
b.
c.
d. ● See 4c, item 1, point 2 regarding submission of character references.
e.
f. ● See 4c, item 1, point 3 regarding submission of financial statements.
g. ● See 3i, item 1, regarding admissions requirements.
h. ● Enrollment contracts shall include: (1) total cost; (2) initial payment at the time of registration; (3) the amounts of subsequent payments and when they are due; (4) list of books, supplies, and equipment to be furnished by the school and those to be provided by the student (comparable written information may be furnished prior to the signing of the contract); (5) all other charges such as fees for a diploma or for graduation; (6) terms of settlement for students dropped or discontinuing; (7) particulars concerning instruction during completion periods at the school; (8) provision for countersignature by a parent; and (9) statement that termination of the student's obligation and refunds due him shall be completed within 10 business days of the receipt of a notice of cancellation. (pp. 3-4)
i. ● See 4c, item 1, points 4-7, and item 2.
   ● See RI-07-1, 3i, items 3-18.
   ● Out-of-state correspondence schools shall clearly indicate in all advertising and literature the complete name of any state agency from which an approval, license, or permit has been issued when one of these is cited as part of the advertising. (p. 5)
   ● No school shall use the fact of approval of any course or person or institution associated with the course in its advertising, promotional literature, catalogs, or letterheads. (p. 6)
j. ● See RI-07-1, 3j, item 4.
k. ● See 4c, item 3.
l. ● For students who request cancellation within 10 days, the school shall refund all monies.
   ● For students whose enrollment applications are rejected, the school shall refund all monies.
   ● An established registration fee of $5 need not be prorated. Where the fee is more than $5, the excess will be prorated.
   ● The school may retain the fair market retail price, if separately stated in the contract, of any equipment or supplies furnished which the student fails to return in condition suitable for resale within 10 business days following cancellation of the contract.

- The school may retain the pro rata portion of the total contract price up to the price of the services received prior to cancellation of the contract.
- The pro rata portion shall be determined by the ratio of the number of the lessons completed to the total number of lessons offered.
- For resident instruction where the contract provides for a stated number of lessons, the pro rata portion shall be based on the number of lessons or classes.
- For other types of resident instruction, the pro rata portion shall be based on the weeks the services were available to the total number of weeks provided in the contract. A portion of a week is considered a full week.
- For courses combining correspondence and residence instruction, the rules above apply to the appropriate portion of the course. If the cancellation occurs before the student has commenced a phase, its price should not be considered in making the proration and the student shall be entitled to a full refund, except for registration fee and cost of equipment, if appropriate. If the student has completed a phase, its price may be retained by the school. (p. 3)
- If a student is forced to discontinue a home study course because of death or disability, the school shall set such a refund over and above the amounts outlined above as the school may deem equitable under the circumstances. (p. 4)
- See 3h, item 1, point 9 regarding the 10-day period in which refunds must be made.

m. • See RI-07-1, 3i, items 11, 14, and 15.
n. • See RI-07-1, 3n, item 8.

4. Administration (RI-11-1):

a. • The Director of Business Regulations shall issue a permit subsequent to approval by the Commissioner of Education.
b. • The Commissioner of Education reserves the right to evaluate and approve curricular materials in cases deemed necessary. (p. 1)
c. • Applicants shall file the following information: (1) location and name of the school, officers or persons in charge, and general level of instruction; (2) references attesting to moral character; (3) statements relating to the financial stability of the school (see RI-07-1, 4c, item 15); (4) copy of the catalog and copies of all advertising materials relative to solicitation for enrollment; (5) list of field representatives soliciting Rhode Island students and their immediate regional supervisor; (6) methods of selecting, training, supervising, terminating, and compensating field representatives; (7) a detailed copy of the admissions practices and enrollment procedures used by field representatives; (8) statement concerning any accreditation or approval granted by any recognized agency; and (9) copy of the enrollment contract used in Rhode Island. (pp. 1-2)

- Any new catalogs, circulars, or enrollment or application blanks shall be filed 30 days prior to their distribution.
- Proposed changes in the tuition or methods of payment or in the contract agreement shall be submitted for review and approval 30 days prior to their effective date. (p. 4)
- Each correspondence school or home study course shall file such reports as are required by the Commissioner of Education on forms prescribed by him. (p. 6)

- Applications for reapproval shall indicate any changes made since the date of the last approval.
- Approvals are nontransferable. New owners shall comply with all of the requirements for securing an initial approval within 30 days.
- Schools seeking an exemption shall make written application.

d. • Permits are valid for 1 year from the date of issue. (p. 1)

5. Enforcement (RI-11-1):

a. • See 4c.

b.

c. • Any violation of the preceding rules may be considered cause for the withdrawal of approval by the Commissioner of Education.
- See RI-07-1, 5c, item 3 regarding proof of advertising claims.

d. • See 5c, item 2.

RI-03

2. Application (RI-03):

Applies to the University of Rhode Island, Rhode Island College, and the system of junior and community colleges, including all departments, branches, and divisions. (p. 186)

NOTE: Powers and duties of the Board of Trustees for State Colleges have been given to the Board of Regents for Education. See RI-10.

3. Coverage (RI-03):

a. ● Board of Trustees of State Colleges shall be responsible for the control, management and operation of the University, state colleges, and community colleges.
   ● The purpose of the community colleges is to provide educational programs of 2 years' duration for 2-year college transfer programs, 2-year terminal general education programs, and 2-year college technical and vocational programs. (p. 250)
   ● The Board is empowered to create, abolish, or consolidate departments or divisions. (p. 186)

b. ● The presidents of institutions and faculty committees shall arrange courses of study with the approval of the Board of Trustees.
   ● The Board is authorized to extend the scope of educational interests of Rhode Island College to include general education through degree programs in the liberal arts and sciences. (p. 204)

c. ● The Board of Trustees, with the approval of presidents and faculty committees, shall award academic degrees and diplomas and confer honors as customary in American colleges, and associate degrees, certificates, and diplomas as customary in junior colleges to persons who have passed the regular courses of studies. (pp. 203, 206)

d. ● The Board is empowered to employ presidents, professors, and instructors and to determine their salaries, appointment, tenure, and dismissal.

e.

f. ● The General Assembly shall annually appropriate necessary funds for the maintenance and support of the Unified System of Higher Education; the Board shall determine the proportion allotted to each college. (p. 188)

g. ● The Board shall prescribe qualifications for the admission of students.

h.

i.

j.

k. ● Applicants intending to teach at least one year in the state public schools shall be admitted to free tuition at Rhode Island College and those not intending to teach may pay tuition fees as determined by the Board. (p. 202)

4. Administration (RI-03):

c. ● The Board of Trustees shall report annually to the Governor and the General Assembly and include an operating and financial statement, the future goals of each institution, and the prospective costs and recommended priority. (p. 191)

5. Enforcement (RI-03):

   a. ● The Board of Trustees shall have the power to investigate all transactions related to the state institutions, to summon witnesses, and to require testimony and records to the same extent as a court of law. (p. 191)

RI-04

2. Application (RI-04):

Applies to high school graduates of proper age, character, and acquirements who are residents of Rhode Island who may apply for enrollment in any qualified institution of higher learning.

"Qualified institution" means an educational organization which provides an organized course of instruction of at least 2 years in the sciences, liberal arts, professional or technical fields at the collegiate level, which is operated by the state, or operated publicly or privately not for profit and maintains academic standards equivalent to comparable state institutions. (p. 224)

3. Coverage (RI-04):

a. • The Board of Education is authorized to make necessary rules for the award of state scholarships.

b.

c.

d.

e.

f.

g. • The functions of the Commissioner to award scholarships shall be exercised without regard to applicants' race, creed, sex, color, national origin, or ancestry. (p. 22)

h.

i.

j.

k. • Applicants are eligible if they are residents, have successfully completed high school or the equivalent, have financial need, and meet minimum conditions of eligibility on the basis of scholastic aptitude tests.
- The number of scholarships available in a fiscal year shall be equivalent to 5% of the graduating classes in all secondary schools in the state.
- Each scholarship is renewable for four years if the student remains a resident, has successfully completed the year's work, and financial need continues. (p. 221)
- The Commissioner shall determine the amount of each scholarship, which shall be from $250 to $1,000, according to the student's financial requirements.

4. Administration (RI-04):

c. • The Board of Education shall report annually to the Governor and the General Assembly and include the number of scholarships awarded, the names of recipients, and institutions attended.

RI-10

2. Application (RI-10):

Board of Regents, with the Commissioner as the Chief Executive, is the successor to all powers, rights, duties, and privileges formerly belonging to the Board of Trustees for State Colleges, the Board of Education, and the Department of Education.

Applies to all levels of education: elementary, secondary, and higher and coordinates the goals and activities of the public sector with the private.

The Board of Regents shall exercise authority with relation to nonpublic educational institutions within the state under Chapter 16-40 (RI-07).

3. Coverage (RI-10):

a. ● The Board of Regents shall operate and administer the Department of Education and create a board or agency (subcommittee) for the governance of postsecondary education.
   ● Academic governance of institutions shall be under the administration of each institution.

b.

c.

d.

e.

f. ● The Board shall annually submit a budget to the State Budget Officer and allocate appropriations according to priorities determined by them. (p. 272)

4. Administration (RI-10):

a. ● The Board of Regents shall adopt standards and require enforcement and exercise general supervision over all public education in the state. (p. 272)
   ● The Commissioner shall be responsible for carrying out the directives of the Board in the area of postsecondary education through the Department of Education and through utilization of the resources of public institutions. (p. 279)

5. Enforcement (RI-10):

a. ● The Board shall have the power to investigate all transactions relating to public education in the state, summon witnesses, and require testimony and records to the same extent as a court of law. (p. 281)

WASHINGTON

1. Identification:

WA-03

The Proprietary School Act (RCW 18.82)

Effective date: 1 July 1968

Stated purpose: "...in the exercise of the police power...for the protection of the health, peace, safety, and general welfare of the people of this state; for the general improvement of educational programs available to the residents of this state; to prevent misrepresentation, fraud, and collusion...; to establish higher standards for, and to protect, preserve, foster, improve, and encourage the educational programs offered to the public; and to encourage the residents of Washington to attain a high degree of excellence in the pursuit of education. To these ends, this chapter shall be liberally construed." (p. 1)

Basic effect: Requires schools to register as proprietary schools and agents to obtain permits; sets standards schools shall meet and qualifications for agents.

Basic coverage: Private non-degree granting

WA-03-1

Rules Adopted Under Authority of the Proprietary School Act (WAC 308-160-010)

Effective date: 5 December 1975

Stated purpose:

Basic effect: Sets fees for school registrations and renewals ($50) and agents' permits and renewals ($15).

No further abstract prepared.

NOTE: The only law currently applicable to private degree granting institutions is the Washington Nonprofit Corporation Act which was not abstracted.

WA-01

Chapter 28B.80 — Council for Postsecondary Education (formerly Council on Higher Education)

Effective date: 1969, amended 1975

Stated purpose: "...to establish a council to facilitate planning [and]... to maintain articulation and coordination...of a...complex system of postsecondary education...." (p. 292)

Basic effect: Authorizes the Council to assess educational needs, specify resources to meet those needs, develop overall plans for postsecondary education, develop criteria for establishing new institutions, evaluate proposals for new degrees, recommend admission, transfer and tuition policies, and report to the Governor and the Legislature.

Basic coverage: Public degree granting

WA-04

Chapter 28C.04

1975 Vocational Education Act (Substitute Senate Bill 2463, Chapter 174, Laws of 1975)

Effective date: 1967, amended 1 July 1975

Stated purpose: "...to provide for a comprehensive planning process and a decision making system for vocational education programs...and to establish administrative responsibility for the receipt and allocation of federal vocational funds." (pp. 1-2)

Basic effect: Authorizes the Commission for Vocational Education to adopt a comprehensive plan providing approval standards for vocational education; and to coordinate vocational, technical, and occupational offerings in postsecondary institutions with secondary offerings under the jurisdiction of the Superintendent of Public Instruction.

Basic coverage: Public degree and non-degree granting (vocational education programs only)

WA-05

Chapter 28B.50 -- Community College Act of 1967

Effective date: 1967, amended 1969

Stated purpose: "...to provide for the dramatically increasing number of students requiring high standards of education either as part of the continuing higher education program or for occupational training, by creating a new, independent system of community colleges...." (p. 81)

Basic effect: Creates State Board for Community College Education to provide administration which will avoid unnecessary duplication of facilities or programs, establish two-year institutions independent from the common school system and other institutions of higher learning, and provide academic transfer and occupational education courses.

Basic coverage: Public degree and non-degree granting (2-year institutions only)

WA-03

2. Application (WA-03):

"No proprietary school may offer a course of instruction within this state without first registering...." (p. 1)

"No person shall for remuneration sell any...course...or solicit students therefor in this state, without first obtaining an agent's permit...." (p. 2)

"Proprietary school" means a profit or non-profit business enterprise located within or without the state offering residence of correspondence instruction in business, trade, technical, professional, or industrial occupations.

Exemptions:

a. Schools or courses approved by the State Superintendent of Public Instruction, State Board of Education, or Coordinating Commission for Vocational Education (vocational schools which meet standards for state accreditation by one of these agencies).
b. Schools or courses supported entirely or partly by taxes or federal funds.
c. Schools or courses approved as private schools for meeting state compulsory attendance requirements.
d. Schools or courses accredited by applicable USOE- or state-recognized accrediting agencies.
e. Schools or courses sponsored by employers or recognized organizations for instruction of employees or members.
f. Schools or courses regulated in content by any state agency or any state occupational licensing act, or recognized by the State Apprenticeship Council. (p. 1)

NOTE: See exemptions a and d regarding accreditation.

3. Coverage (WA-03):

a.
b. ● See 5c, item 2.
c. ● Each proprietary school shall give a certificate of completion showing courses satisfactorily completed upon request of each student who has satisfactorily completed training.
d. ● See 5c, item 2.
e. ● See 5c, item 2.
   ● See 3n.
f.
g.
h. ● Each proprietary school shall furnish each applicant with brief course descriptions, schedule of tuition, right to cancel (see 31), and right to a certificate of completion (see 3c).
i. ● Each proprietary school shall refrain from using any false, misleading, or deceptive advertising. (p. 2)
   ● An agent's permit will be issued if the Director of the Division of Professional Licensing is satisfied that the applicant does represent the school stated, is of good moral character, and has not had a previous permit revoked.

• Issuance of an agent's permit shall not constitute approval of any course or school; any representation that it does is misrepresentation. (p. 3)

j.

k.

l. • Any enrolled student is entitled to cancel a contract of enrollment immediately after the first classroom instruction session by so notifying the instructor, or, if a correspondence course, by cancelling by registered mail on the next business day after receiving instructional materials. Upon cancellation and return of all material in undamaged condition, a refund of at least 90% of the contract amount shall be made.
• Each proprietary school shall adhere to a tuition refund schedule published and presented to students prior to enrollment.

m.

n. • Each proprietary school shall comply with all applicable laws, ordinances, and regulations. (p. 2)

4. Administration (WA-03):

a. • The Director of the Division of Professional Licensing of the Department of Motor Vehicles registers schools, issues agents' permits, adopts rules and regulations to administer and enforce the basic prohibitions of this Act, sets registration and permit fees, and may establish an advisory committee. (pp. 1-3)
b. • Agents' permits shall be granted or denied within 30 days; if determination has not been completed, a temporary permit shall be issued until determination is completed. (p. 3)
c. • Registration shall be made on forms provided including: (1) name of owners, partners, or corporate officers and directors; (2) school administrator and school address; (3) brief descriptions of courses offered in each occupational field; and (4) fee.
• Agents must obtain separate permits for each school represented, unless these have common ownership. (p. 2)
• An agent's permit application shall be on forms provided accompanied by fee. (See 3i, item 2, concerning agent qualifications.) (p. 3)
d. • Registration and permit shall be renewed annually before 1 July. (pp. 2, 3)
e. • The Director may set fees for registration and permits. (pp. 1, 3)
f. • See 4b.

5. Enforcement (WA-03):

a. • The Director may revoke permits. (p. 2)
• The court considers whether or not instruction could reasonably be expected to prepare an average student to qualify for a field of endeavor. (p. 3)
b.

c. • A permit may be revoked if the agent solicits students through fraud, deception, or misrepresentation, or if facts are discovered which would have warranted denial when the permit was issued. (p. 2)
• It is an unfair act, practice, or method of competition under another law for a school to: (1) operate without registration or fail to provide information described in 4c, item 1; (2) fail to comply with matters in

3l, item 1; (3) fail to comply with matters in 3c; 3h; 3i, item 1; 3l, item 2; or 3n; or (4) offer courses which purport to prepare persons for a field of endeavor but in fact cannot reasonably be expected to prepare the average student. In making its determination, the court will consider: (1) equipment, materials, and course content; (2) qualifications, training, and experience of instructors; and (3) usual training and experience requirements in the field. (pp. 2-3)

d. • If schools or agents have not complied with this Act, contracts shall not be enforceable by the school. (p. 3)

WA-01

2. Application (WA-01):

Applies to public universities, 4-year colleges, and community college system.

Includes private institutions of higher education in the overall planning for the state.

Designates the Council as the state agency to administer federal programs and student financial aid programs.

Prohibits the Council from assuming the power and duties of the separate governing boards of state institutions of higher learning, the State Board for Community Colleges, and other administrative agencies. (p. 294)

WA-04

2. Application (WA-04):

Applies to general supervision of state vocational programs, with daily administration responsibilities retained by the Superintendent of Public Instruction (secondary level) and the Board for Community College Education (postsecondary in public and technical institutes).

Designates the Commission as the sole agency for the receipt and allocation of federal funds. (p. 5)

Authorizes the Commission to make compliance audits of vocational education programs once a biennium.

Abolishes the Coordinating Council for Occupational Education and transfers responsibilities, personnel, and property to the Commission. (p. 7)

Amends or repeals sections of Community College Act (WA-05) regarding vocational education programs.

WA-05

2. Application (WA-05):

Applies to the independent system of 21 public community college districts.

States that community colleges are never to be considered for conversion into 4-year liberal arts colleges. (p. 81)

Includes vocational-technical and adult education programs conducted by community colleges and vocational-technical institutes whose major emphasis is post-high school education.

3. Coverage (WA-05):

a.
- The College Board shall have general supervision and control over the state system, with each district board responsible for operating all existing community colleges and vocational-technical institutes in its district.
- The College Board shall ensure that each district offers comprehensive educational, training, and service programs through academic transfer and occupational education courses.

b.
- The College Board shall establish minimum standards with respect to the content of the curricula and educational and training programs and shall encourage innovation in developing new programs and methods. (p. 84)
- Each college district board shall prescribe the course of study in the various departments of the college(s) under its control. (p. 86)

c.
- The College Board shall establish minimum standards for the requirements, degrees, and diplomas awarded by the colleges. (p. 84)
- Each district board may grant a suitable diploma, non-baccalaureate degree, or certificate upon graduation or completion of a course of study. (p. 86)

d.
- Each district board shall employ necessary staff and faculty and fix their salaries and duties.
- The College Board shall establish minimum standards with respect to qualifications and credentials of instructional and administrative personnel.

e.
- The College Board shall establish and administer criteria and procedures for all capital construction and for the establishment of new community colleges.

f.
- The College Board shall submit a single budget for the support of the state system to the Governor, and shall establish minimum standards for internal budgeting, accounting, auditing, and financial procedures.
- The College Board shall receive and disburse funds for the operation of districts in conformance with state and district budgets. (p. 84)

g.
- The College Board shall establish standard admission policies and ensure that each district maintains an open-door policy; no student will be denied admission because of the location of residence or educational background or ability.
- The administrative officers of a community college may deny admission to a prospective student if, in their judgment, the student would not be competent to profit from the curriculum offerings or would create a disruptive atmosphere within the college inconsistent with institutional purposes. (p. 84)

- Any state resident may enroll in a community college district upon the same terms and conditions regardless of the district of residence. (p. 87)

h. • Each local board shall publish such catalogs and bulletins necessary. (p. 86)

i.

j.

k.

l.

m.

n. • The College Board shall authorize the community colleges to offer programs and courses in other districts if consistent with the purposes of the system. (p. 84)

4. Administration (WA-05):

a. • Administration of the state plan for vocational education shall be the responsibility of the Board for Community College Education, where programs are clearly postsecondary.

5. Enforcement (WA-05):

a. • Each community college Board of Trustees shall enforce the rules and regulations prescribed by the State Board for Community College Education for the government of the colleges, students, and teachers.
   • The Trustees may suspend or expel from community colleges students who refuse to obey any of the promulgated rules and regulations. (p. 87)

WEST VIRGINIA

1. Identification:

WV-01

Section 18-2-10 -- Permits required

Date amended: 24 February 1971

Stated purpose:

Basic effect: Requires agents of non-exempt correspondence, occupational, and trade schools, whether in-state or out, to obtain permits; requires accredited or otherwise exempted schools to obtain authorization to solicit students; requires all schools to regularly file information on the school; requires a bond to obtain an agent's permit.

Basic coverage: Private non-degree granting

WV-01-1

Rules and Regulations Governing Registration of Agents of Privately Owned Correspondence, Business, Occupational, and Trade Schools Soliciting Enrollment in West Virginia

Effective date: 1 July 1973

Stated purpose:

Basic effect: Reiterates many portions of the law; names accrediting agencies whose accreditation exempts a school from requirement that agents secure permits; specifies information required of applicants; and specifies minimum refund policy.

WV-03

Section 18-26-13a -- Accreditation of institutions of higher education; standards for degrees

Effective date: 4 March 1971

Stated purpose:

Basic effect: Requires all institutions of higher education in the state (except those operating by charter given previous to this Act's effective date) to meet minimum standards established by the West Virginia Board of Regents and to obtain written approval from the Board of the condition for conferring degrees before a charter containing the right to grant degrees may be issued and before any degree may be awarded.

Basic coverage: Public and private degree granting

No further abstract prepared.

WV-03-1

Revised Policy Bulletin No. 15: Policy Regarding the Accreditation of Degree-Granting Institutions

Effective date: 6 April 1976

Stated purpose:

Basic effect: Sets forth standards and procedures for state accreditation.

WV-03-2

Policy Bulletin No. 41: Policy Regarding the Approval of Independent Proprietary Institutions to Award Associate Degrees for Selected Postsecondary Career-Technical Programs

Effective date: 6 May 1975

Stated purpose:

Basic effect: Sets forth standards and procedures required of proprietary institutions wishing to grant the Associate in Business or Associate in Technology Degree; requires schools to be accredited.

Basic coverage: Private non-degree granting schools desiring to grant degrees

WV-02

Board of Regents

Effective date: 1 July 1969

Stated purpose: "The general determination, control, supervision, and management of the financial, business, and educational policies and affairs of all state colleges and universities shall be under the control, supervision, and management of the board." (p. 296)

Basic effect: Authorizes the Board of Regents to make recommendations relating to higher education, allocates specific functions among the state colleges and universities to meet educational needs and avoid unnecessary duplication, submit and allocate budget appropriations, and serve as the state agency to accept and administer federal funds and programs.

Basic coverage: Public degree granting

No further abstract prepared.

WV-01

2. Application (WV-01):

"It shall be unlawful for any person representing a correspondence, business, occupational or trade school inside or outside this State [unless exempted; see below]...to sell courses...for consideration or remuneration unless he first obtains a permit...."

"All schools whose representatives are exempted from the requirement of a permit...shall, before recruiting any students in West Virginia, secure authorization...." (p. 15)

Permits are issued to representatives of non-exempted schools. Authorization to solicit is issued to exempted schools.

Exemptions:

a. Persons representing schools that are members of nationally recognized accrediting associations approved by the West Virginia Board of Education.
b. Persons representing business schools that are members of the West Virginia Association of Business Schools and also members of the National Association and Council of Business Schools.

NOTE: See above regarding accreditation.
NOTE: See 4c, item 1 regarding reporting requirements for in-state schools.

3. Coverage (WV-01):

f. • To obtain a permit, bonds shall be presented in the penal sum of $1,000, may be continuous, and may be given by either a representative or by the school as a blanket bond covering each representative in the amount of $1,000. (p. 15)

g.

h.

i. • Satisfactory proof must be furnished the Board that a representative is of good moral character and that the school has a good reputation for honesty and integrity in prior educational transactions.
• Issuance of a permit does not constitute accreditation or approval of any course or school, and representation or implication that it does is prohibited. (p. 16)
• See 3f regarding bonding.

4. Administration (WV-01):

a. • The State Board of Education issues permits, adopts regulations for the
b. enforcement of this Act, and establishes an advisory committee. (pp. 15-16)

c. • In-state schools, whether their agents need obtain permits or not, shall make annual reports to the Board, on forms provided, of information the Board requires. (p. 15)

- Permits may be issued on submission of bond, fee, and evidence described in 3i, item 1. (p. 16)
- Application shall be made on forms provided. (p. 15)

d. • Permits are valid for 1 year from date of issuance.

e. • Original or renewal fee for a permit is $5.
- Fees shall be deposited to credit of the General School Fund. (p. 16)

5. Enforcement (WV-01):

a. • The Board may revoke permits of representatives of non-exempt schools or refuse to give to exempt schools authorization to recruit students. (pp. 15-16)
- The Attorney General or any county prosecuting attorney, at Board request or on his own motion, may bring any appropriate action or proceeding in any court of competent jurisdiction for enforcement of this Act relating to permits, bonds, and sureties. (pp. 16-17)

b.

c. • Authorization for exempt schools to recruit students may be refused if the Board has reason to believe a school engages in practices inconsistent with the basic prohibitions of the Act or regulations. (p. 15)
- Permits may be revoked after notice and hearing for fraud or misrepresentation in soliciting students, for failure of the school to fulfill contract(s) with West Virginia resident(s), or for violation or failure to comply with any provision of this Act or regulation. (p. 16)
- See 5a.

d. • Bonds shall be conditioned to provide indemnification to student(s) suffering loss as a result of fraud or misrepresentation in procuring their enrollment. (p. 15)
- Schools shall not take action in state court to recover on a contract made with a representative who was required to have a permit but did not.
- Persons violating this Act shall be guilty of a misdemeanor punishable by a fine of not more than $200 or imprisionment of nor more than 60 days, or both. (p. 16)

WV-01-1

2. Application (WV-01-1):

Substantially the same basic prohibition as WV-01.

Exemptions:

a. Accredited members of the National Home Study Council.
b. Accredited members of the National Association of Trade and Technical Schools.
c. Accredited members of the Association of Independent Colleges and Schools.
d. Resident business schools or commercial colleges who are members of the West Virginia Association of Business Schools and of the United Business Schools Association.

3. Coverage (WV-01-1):

f. • See WV-01, 3f.

g.

h. • Student application forms and/or contracts will include the following items: (1) total cost of the course, stated separately for residence and correspondence portions, if applicable; (2) refund policy (see 3l); (3) specific statement that employment or job placement is not guaranteed or implied; and (4) statement that no representation has been made other than appears in the contract and/or application. (pp. 3-5)

i. • Agent applicants must present evidence that they are: (1) of good moral character; and (2) employed to represent a school. (p. 3)

- See WV-01, 3i, item 2.

j.

k.

l. • Refund policy for all schools includes: (1) registration fee may be 10% of total course tuition or $50, whichever is less; (2) cancellation requested by registered mail within 72 hours after midnight of date of contract signature entitles an applicant to refund of all money paid; and (3) refunds shall be made within 30 days.

- For residence courses: (1) after the "cooling-off" period but before classes begin, cancellation by registered mail requires refund of all but the registration fee; (2) withdrawal during the first week of classes requires refund of all but 25% of stated course price; (3) withdrawal during the first 25% of the course requires refund of all but 45% of course price; (4) withdrawal during the second 25% of the course requires refund of all but 70% of course price; (5) after completion of 50% of the course, no refund is due; and (6) tuition paid in excess of one year ahead must be refunded.
- For correspondence courses: (1) after the "cooling-off" period until the school receives the student's first lesson, cancellation by registered mail requires refund of all but the registration fee; (3) during the 6 months following enrollment, if no lesson or request for continuation is received for 90 days, the school must advise the student that cancellation will be made; (3) after receipt of the first lesson but during the first 25% of the course, cancellation requires refund of all but

the first 25% of the course, cancellation requires refund of all but 25% of tuition plus registration fee; (4) during the second 25% of the course, cancellation requires refund of all but 50% of tuition plus registration fee; and (5) after completion of 50% of the course, no refund is due. (pp. 3-5)

4. Administration (WV-01-1):

a. • See WV-01, 4a.
b.

c. • Schools must present evidence that they are qualified for exemption.
   • Authorization may be secured by submitting evidence of accreditation, enrollment contracts, school catalogs, and other material as reasonably required by the Board. (p. 1)
   • See WV-01, 4c, item 1.
   • Permits are not transferable. If employment ceases, they must be returned.
   • Applications shall contain: (1) name of school and organization; (2) school management (individual, partnership, corporation); (3) address of headquarters; (4) names and addresses of officers and directors; (5) location of West Virginia offices; (6) name and address of agent; (7) photograph; (8) employment history for preceding 5 years; and (9) other information the Board requires. (pp. 2-3)
   • List of courses offered in West Virginia and student application forms and/or contracts described in 3h must be filed with the application. (p. 3)
   • Renewals require fee and a bond, if continuous bond has not been furnished. (p. 5)
d. • See WV-01, 4d.
e. • See WV-01, 4e, item 1. Fees are not refundable. (p. 6)

5. Enforcement (WV-01-1):

a. • See WV-01, 5a, item 1.
b.

c. • See WV-01, 5c, items 1 and 2.
   • If an application is received from an agent of a school the Board knows to be under investigation or prosecution by the Federal Trade Commission or U.S. Postal Service, the Board may refuse to issue permit or authorization until the situation has been resolved to its satisfaction. (p. 5)
d. • Maximum liability on a bond shall not exceed $1,000 in the case of any one agent. (p. 2)
   • See WV-01, 5d, item 3.

WV-03-1

2. Application (WV-03-1):

The West Virginia Board of Regents accredits degree granting institutions of higher learning.

NOTE: Institutions providing proof of accreditation by the North Central Association shall receive full accreditation by the Board for duration of their regional accreditation.

Non-accredited West Virginia institutions may be accredited by the Board after evaluation using standards of the North Central Association. Non-accredited institutions of a specialized or professional nature shall be evaluated on the basis of standards of the North Central Association and other appropriate, nationally recognized special or professional standards.

NOTE: Out-of-state institutions desiring to offer course work toward degree programs may be accredited by the Board after evaluation using standards of the North Central Association.

3. Coverage (WV-03-1):

See Section 2 NOTEs for standards used in institutional evaluation.

4. Administration (WV-03-1):

a. • The West Virginia Board of Regents accredits degree granting institutions of higher learning, and inspects these if they are not regionally or professionally accredited.
   • See 4b concerning powers of the Chancellor of the Board of Regents.

b. • Procedures for accreditation of in-state institutions not regionally accredited or out-of-state institutions desiring to offer course work toward degree programs are: (1) a preliminary conference shall be held involving the president and chief administrators of the institution and the Chancellor and members of the staff of the Board of Regents; (2) the institution will compile a self-study following criteria of the North Central Association and guidelines prepared by the Board; (3) the Chancellor will appoint a committee to visit the institution to verify the self-study report; (4) the visiting committee will submit its report and recommendations to the Chancellor for transmittal to the Board of Regents with comments and recommendations from the Board staff as may be deemed appropriate; and (5) representatives of the institution shall, upon request, be accorded an opportunity to meet with the Board of Regents to present information, statements, and views which they deem appropriate concerning the institution's accreditation status.

c.

d. • Provisional accreditation may be granted from 1 to 4 years with conditions and limitations as the Board chooses to apply. Full accreditation may be granted for 5 years.

e. • Expenses of the visiting committee will be reimbursed by the institution. (p. 2)

f. • See 4d.

WV-03-2

2. Application (WV-03-2):

"Schools authorized under this regulation are granted authority to offer the Associate in Business or Associate in Technology degree only...."

The Board of Regents authorizes independent proprietary institutions to award the above associate degrees only. The standard Associate of Arts or Associate of Science degrees may not be offered.

Eligibility to apply for authorization is limited to independent institutions which are primarily postsecondary and which hold accreditation from the Association of Independent Colleges and Schools or the National Association Trade and Technical Schools. (pp. 1-2)

NOTE: See above regarding accreditation.

3. Coverage (WV-03-2):

b. ● Requests for approval will be limited to selected programs which include specialization courses plus related course requirements.
   ● Programs must require 2 academic years of work or equivalent.
   ● See 3c.
c. ● Degrees will be limited to career programs which do not have general education components.
   ● See Section 2 regarding offering of A.A. and A.S. degrees. (p. 1)
d.
e.
f.
g.
h.
i. ● Schools authorized to grant these two degrees will not represent themselves as standard junior or community colleges, include the words "junior college" in their names, or purport to offer A.A. or A.S. degrees. (p. 2)

4. Administration (WV-03-2):

a. ● The West Virginia Board of Regents authorizes schools to grant these two degrees. (p. 1)
b.
c. ● Information on the following topics will be submitted (and additional information if requested): (1) authorization to operate under WV-01; (2) accreditation; (3) curriculum; (4) admission requirements; (5) faculty qualifications; (6) finances; (7) library; (8) facilities and equipment; and (9) student services. (p. 2)
d. ● Authorization must be renewed every 4 years or more frequently if the Board deems it appropriate.
e.
f. ● See 4d.

WISCONSIN

1. Identification:

WI-01

Wisconsin Statutes Relating to the Educational Approval Board (Sections 15.941(1), 15.945(1), and 38.51(1)-(10))

Effective date: 1 July 1976

Stated purpose: "The purpose of the board is to approve schools...protect the general public by inspecting and approving...schools...regulate the soliciting of students...protect students, prevent fraud and misrepresentation in the sale and advertising of courses...and encourage schools to maintain courses...consistent in quality, content and length with generally accepted educational standards...." (pp. 1-2)

Basic effect: Requires proprietary schools with vocational objectives, degree granting or not, to obtain Board approval to operate; requires agents selling courses to state residents to obtain permits and be bonded.

Basic coverage: Private degree and non-degree granting (vocational schools only)

WI-01-1

Rules of Educational Approval Board (Wisconsin Administrative Code Section EAB 1.01)

Effective date: December 1972

Stated purpose:

Basic effect: Sets detailed standards and procedures for approval of school and agent applicants.

NOTE: Section 182.028 of Wisconsin Statutes applies to school corporations and empowers schools, academies, seminaries, colleges, and universities to prescribe courses of instruction and confer degrees and diplomas usually conferred by similar institutions or appropriate to the instruction prescribed. Private academic degree granting institutions are not regulated any further at this time.

WI-01-2

Recent Changes to the Rules of the Educational Approval Board

Effective date: 1 October 1976 and 1 December 1976

Stated purpose:

Basic effect: Sets forth school approval fees and changes solicitor permit fees; identifies unfair trade practices; changes language in basic prohibition against solicitation to include female pronouns.

WI-02

University of Wisconsin System, Chapter 36, Title VI--Educational Institutions

Effective date: 1973

Stated purpose: "...to provide a system of higher education which enables students of all ages, backgrounds and levels of income to participate in the search for knowledge and individual development; ...stresses undergraduate teaching as its main priority; ...offers...professional graduate...programs with emphasis on state and national needs; [and]...functions cooperatively with other educational systems...." (p. 719)

Basic effect: Creates a system of institutions of learning governed by the Board of Regents, which is authorized to establish policy, determine programs, establish types of degrees to be offered by each institution, and allocate funds.

Basic coverage: Public degree granting

WI-02-1

Wisconsin Administrative Code--Rules of Board of Regents of the University of Wisconsin System

Effective date: 1975, including 1976 amendments

Stated purpose:

Basic effect: Defines terms used throughout the System; states rules applying to faculty appointment, tenure, and dismissal; describes policy on standards and procedures for student discipline.

WI-03

Chapter 38--Vocational, Technical, and Adult Education

Effective date: 1971, including revisions of 1973

Stated purpose: "The board [of vocational, technical, and adult education] shall be responsible for the initiation, development, maintenance and supervision of programs with specific occupational orientations below the baccalaureate level, including terminal associate degrees, training of apprentices and adult education below the professional level." (p. 733)

Basic effect: Establishes a system of vocational, technical, and adult education to include associate degree programs, collegiate transfer programs, and 1- or 2-year vocational diploma programs; authorizes the Board of Vocational, Technical, and Adult Education to determine the organization, scope, and development of such programs and established criteria for district schools.

Basic coverage: Public degree and non-degree granting

WI-03-1

Wisconsin Administrative Code--Rules of State Board of Vocational Technical, and Adult Education

Effective date: Includes amendments of 1973

Stated purpose:

Basic effect: Specifies procedures and requirements for certifying educational personnel.

WI-01

2. Application (WI-01):

"All proprietary schools shall be examined and approved by the board before operating in this state." (p. 4)

"No solicitor...shall sell any...course of instruction or solicit students therefore in this state for...remuneration, except upon the actual business premises of the school, unless he first secures a solicitor's permit...." (p. 2)

"School" means any person located within or outside the state advertising or conducting any course of instruction for profit or tuition charge; but see WI-01-1, Section 2, paragraph 3 for further restrictions on application.

Phone conversation of 16 May indicates that proprietary, i.e., profit-making, schools which award degrees in vocational areas -- e.g., Bacnelor of Fine Arts from a photography school -- are subject to this Act.

Exemptions:

a. Nonprofit schools (defined by the U.S. Internal Revenue Code)
b. Schools supported mainly by taxes
c. Parochial or denominational schools offering courses with a sectarian objective.
d. Schools offering instruction primarily avocational or recreational in nature, not leading to a vocational objective
e. Courses by employers exclusively for employees
f. Schools or programs approved or licensed by other state agencies
g. Schools approved by the Department of Public Instruction for teacher education
h. Schools accredited by Board-recognized accrediting agencies

NOTE: See exemption h regarding accreditation.

3. Coverage (WI-01):

a.

b. • See 4a, item 2, points 1 and 2.

c.

d.

e. • See 4a, item 2, point 2.
f. • Bonds for solicitors shall be in the sum of $1,000 and may be supplied by the solicitor or by the school as a blanket bond covering each of its solicitors in the amount of $1,000. Bonds may be continuous. (p. 3)

g.

h. • See 4a, item 2, point 6.
i. • See 4a, item 2, point 3.
• No school may advertise in the state unless approved by the Board. (p. 4)
• See 5c, item 1, point 7.

j.

k. • See 4a, item 2, point 4.
l. • See 4a, item 2, point 5.
m. • See 4c, item 3.

4. Administration (WI-01):

a. • The Educational Approval Board prescribes rules and establishes standards to carry out its purpose, approves courses and issues solicitors' permits, and approves schools for training of veterans. (pp. 1-2)
   • The Board: (1) investigates adequacy of courses offered to state residents and establishes minimum standards for such courses; (2) investigates adequacy of school facilities, equipment, instructional materials, and instructional programs; (3) establishes rules, standards, and criteria to prevent fraud and misrepresentation in sale or advertising of courses; (4) establishes rules restricting negotiability of student promissory instruments; (5) establishes minimum refund policy; and (6) requires schools to furnish information concerning facilities, curricula, instructors, enrollment policies, tuition and other charges, refund policies, and policies concerning negotiability of promissory instruments. (p. 2)

b.

c. • Solicitors must secure separate permits for each school represented. (p. 2)
   • Applications for solicitors' permits shall be accompanied by bond and fee. Renewal applications shall be accompanied by bond, fee, and such information as the Board requires. (p. 3)
   • All approved schools shall submit quarterly reports with information on enrollment, number of teachers, teacher qualifications, course offerings, number of graduates, number of graduates successfully employed, and other information the Board requires.
   • Applications for school approval shall be made on forms provided and accompanied by fee and other information the Board requires. (p. 4)
d. • Solicitors' permits are valid for one year. (p. 3)
   • School approval period shall not exceed one year. (p. 4)
e. • Fee for an original or renewal solicitor's permit shall not exceed $50. Fee for an original or renewal school approval shall not exceed $500. (pp. 3-4)

f.

g. • The Board shall publish a list of approved schools and solicitors. (p. 2)

5. Enforcement (WI-01):

a. • The Board may refuse or revoke solicitors' permits. (p. 3)
   • The Attorney General or any District Attorney may bring any appropriate action in any court of competent jurisdiction for enforcment of this Act. (p. 4)

b.

c. • After notice and opportunity for hearing before the Board, a solicitor's permit may be refused or revoked for any of the following reasons:

(1) willful violation of this subsection or any rule promulgated hereunder; (2) furnishing of false, misleading, or incomplete information to the Board; (3) presentation of information to prospective students which is false, fraudulent, or misleading; (4) refusal by the school represented to allow reasonable inspection or to supply information after written request by the Board; (5) failure of the school represented to meet requirements and standards or to comply with rules prescribed by the Board; (6) cancellation of the solicitor's bond by surety; or (7) discovery that the person applying for a solicitor's permit is not of good moral character. Time limits are stated. The applicant may appear with counsel. (p. 3)

d.
- Existence of a bond shall not limit or impair right of recovery otherwise available under law and bond amount shall not be relevant in determining amount of relief to which a plaintiff is entitled.
- No recovery shall be had by a school on any contract made by a solicitor who does not hold a permit.
- Violators of any portion of this Act relating to solicitor permits may be fined up to $500 or imprisoned up to 3 months or both. (p. 4)

WI-01-1

2. Application (WI-01-1):

"No school shall solicit students, or carry on any course of instruction, until said school shall have been approved...." (p. 3)

See WI-01 for basic prohibition against soliciting without a permit.

"School" means person(s) operating a private trade, correspondence, business, or technical school which maintains, advertises, or conducts any course of instruction for profit or tuition charge. "Course of instruction" means a series of courses leading to a diploma or degree (see WI-01, Section 2 for reference to phone contact) or an occupational or vocational objective. (p. 3)

Schools shall not award baccalaureate, bachelor's, or associate degrees without prior authorization of the Educational Approval Board. Schools shall not confer high school diplomas. Schools shall not offer high school courses unless these are substantially equivalent to those in resident secondary schools and unless the school clearly discloses to prospective students the fact that such courses may not be recognized by other persons or agencies for purposes of hiring or transfer of credit. (pp. 15-16)

3. Coverage (WI-01-1):

a. • Each school shall maintain high ethical standards in the conduct of its operations. (p. 13)
b. • Content, length, and instruction of courses shall be consistent in quality with similar courses in public schools or private schools with standards acceptable to the Board.
   • Courses of instruction shall be of value in preparing students for employment in the field taught.
c. • See 3i, item 17.
d. • School administrators and instructors shall have suitable educational qualifications and experience, and be of good reputation and character.
   • A school shall have a sufficient number of instructors to provide adequate student-teacher relationships.
   • See 4c, item 5, point 9.
e. • Schools shall have adequate space, suitable and sufficient equipment, and sufficient and appropriate instructional materials consistent in quality with those in public schools or private schools with standards acceptable to the Board.
   • See 4c, item 5, point 8.
f. • Schools must be shown to be in sound financial condition to the Board's satisfaction. (p. 7)
   • Before approval will be granted, a school must file a bond in the amount of $25,000, which may be continuous. (p. 8)
   • Agent applicants must file bonds of $1,000; or the school may file a blanket bond covering each of its solicitors in the amount of $1,000. (pp. 11-12)
   • Bonds shall be made to apply specifically to all locations and persons mentioned in applications. (p. 5)
   • See 4a regarding authority of Board to change bond amounts.
   • See 4c, item 5, point 6.

g. ● The Board will not approve any school which denies enrollment to or makes distinctions among students on the basis of sex, race, color, or creed. (p. 3)

- A school shall endeavor to establish qualifications for successful assimilation of course material, and should not enroll unqualified students. (p. 15)
- See 3h, item 5, and 3i, item 16.
- Through pre-enrollment counseling, the school shall make reasonably certain that prospective students have ability to profit from instruction. Criteria may be such as the following: (1) educational background; (2) success as a high school or post-high school student; (3) practical experience in a related activity; (4) physical ability to engage in the field; and/or (5) results of a valid qualifying test. (pp. 23-24)

h. ● Prior to enrollment, schools shall provide prospective students with a catalog containing: (1) identifying data, such as volume number and/or date; (2) name of school and its governing body and officials; (3) calendar showing legal and scheduled holidays, vacation periods, and beginning and ending date of each term or semester; (4) school policy regarding enrollment dates and specific entrance requirements for each course; (5) school policy relative to leave, absences, tardiness, class cuts, make-up work, and interruption for unsatisfactory work or attendance; (6) school policy relative to standards of progress required of the student, grading system of the school, minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress, description of the probationary period, if any, conditions of re-entrance for students dismissed for unsatisfactory progress, and a statement regarding progress records kept by the school and furnished to students; (7) school policy governing student conduct and conditions of dismissal for unsatisfactory conduct; (8) charges for tuition and schedule of fees for student activities, laboratory, rentals, deposits, and all other charges; (9) outline for each course, showing subjects or units of work, type of work or skill to be learned, approximate time and clock hours of each course, and disclosure of any further training known, or which should reasonably be known by the school, which would usually be required of a student to secure initial employment in the vocation taught; and (10) school policy relative to granting credit for previous education and training. (p. 6)

- See Section 2, paragraph 4 regarding disclosure in regard to high school courses.
- Schools must include in all advertisements and promotional material used in the state of Wisconsin: (1) name and location of the school; (2) the fact that educational services are offered for sale, if not apparent from the context; (3) the entire cost of such training including fees for tuition, books, supplies, equipment, etc., if any representations are made as to the cost of such training; and (4) affirmative disclosure that any endorsements or recommendations are paid testimonials if in fact such testimonials were given for consideration. (p. 17)
- All contracts and agreements shall include the following: (1) name and address of the school; (2) clear and conspicuous disclosure that the agreement is a legally binding instrument upon acceptance of the student by the school unless cancelled pursuant to 3l; (3) disclosure of the 72-hour cancellation privilege (see 3l); (4) total cost of the course including charges made by the school for tuition, room and board, books,

materials, supplies, etc; (5) name and description of the course, including the number of hours of classroom instruction and/or home study lessons (reference to course descriptions in school catalogs will suffice); (6) nature and extent of the school's placement service, if any; and (7) school refund policy, meeting the minimum requirements described in 31.

- If a school knows that a prospective student is unlikely to successfully complete training or to obtain employment in the field taught, it must affirmatively disclose this fact to the prospective student. If the student still wishes to enroll, the school may obtain a disclaimer, which shall be a statement separately signed by the student that he/she is fully aware of the improbability or impossibility of completing the course or obtaining employment. (pp. 21-22)
- See 3m, item 4; 31, item 2; and 3m, item 5.
- Specific wording was given for required disclosures concerning law and accounting courses. (p. 17)

i.

- If a course is represented to be capable of qualifying students for vocational employment, it must be so capable. (p. 7)
- Before a solicitor's permit will be granted, the school and its courses must be approved by the Board. (p. 11)
- Schools shall maintain high ethical standards in solicitation of students and advertising and promotional material.
- No school shall use a name or insignia which misleads or deceives students with respect to the nature of the school, its accreditation, programs or methods of teaching, or any other material fact.
- A school shall not falsely represent, directly or by implication, that: (1) it is connected with a branch of the government; (2) it is connected with a religious or charitable organization or any institution of higher learning; or (3) it is an employment agent or authorized training facility for another industry, or otherwise deceptively conceal the fact that it is a school.
- If a school conducts its instruction wholly by correspondence, clear and conspicuous disclosure should be made in immediate conjunction with its trade name. No correspondence school shall use the words "college" or "university" in its name. This rule shall not apply to those schools approved prior to 1 September 1973. (p. 13)
- A school shall not misrepresent any approval from a state agency or its accreditation.
- A school shall not represent that it has been approved by any federal or state agency if such approval was not the result of an evaluation of the school's facilities, courses of instruction, and qualification of directors and instructional personnel. No school shall misrepresent the extent or nature of such approval, and no school or its agent shall advertise or imply that the school is "recommended" or "endorsed" by the Board. Acceptable wording is given for reference to Board approval.
- A school shall not falsely represent or imply that students successfully completing a course may transfer credit to an accredited institution of higher education.
- A school shall not falsely represent or imply that a course of instruction has been approved by a particular industry, or that successful completion thereof qualifies the student for admission to a labor union or similar organization, or for the receipt of a state or federal license.
- A school shall not falsely represent or imply that its courses are recommended by vocational counselors, high schools, colleges, educational

organizations, employment agencies, or members or officials of a particular industry, or that it has been the subject of unsolicited testimonials. Testimonials which do not accurately reflect current practices of the school or current occupational conditions or employment opportunities should not be used.

- A school shall not misrepresent, directly or indirectly, the size, location, facilities, or equipment of its school or the number or educational qualifications of its faculty and other personnel.
- A school shall not: (1) use or refer to fictional organization divisions or position titles or make any representation which has the capacity to mislead or deceive students as to the size or importance of the school, its divisions, faculty, personnel, or officials, or in any other material respect; (2) misrepresent the size, importance, location, facilities, or equipment of the school through any depictions in catalogs, advertisements, or other promotional materials; (3) represent falsely that the school owns, operates, or supervises a dormitory, eating, or other living accommodations; (4) falsely or deceptively represent the location or locations at which its courses will be conducted; (5) represent or imply falsely that certain individuals are bona fide working members of its faculty or are members of its advisory board, or have played an active part in preparation of its instruction materials, or misrepresent the extent or nature of the association of any person with the school; or (6) misrepresent the nature and extent of any personal instruction or guidance it will provide for students either during or after completion of a course. (pp. 14-15)
- A school shall not represent or imply that it is a nonprofit organization unless it has secured such status from the Internal Revenue Service.
- A school shall not falsely or deceptively represent that a course has been recently revised, or that it has a revision system or service, or misrepresent its facilities, procedures, or ability to keep a course current.
- A school shall not misrepresent the nature or extent of any prerequisites it has established for enrollment. It shall not falsely represent that: (1) a course is available only to those having a high school diploma or other specific educational qualifications; (2) only those who make an acceptable grade or successfully complete a certain test or examination will be admitted; (3) it will accept for enrollment only a limited number of persons or a limited number of persons from a certain geographical area; (4) applications for enrollment will be considered for only a limited period of time, or that they must be submitted by a certain date; or (5) lack of a high school education or prior training or experience is not a handicap to successful completion of a course.
- A school shall not issue a degree, diploma, certificate of completion, or similar document which misrepresents the subject matter, substance, content, or any other fact concerning the course or the accomplishments of the student. (p. 15)
- The use of "help wanted" or other employment columns in a newspaper or other publication, so as to represent or imply that employment is being offered, is deemed a deceptive sales practice.
- The use of "blind" advertisements or sales literature is deemed a deceptive and unfair trade practice.
- The making of false, misleading, or deceptive statements or representations regarding actual or probable earnings or opportunities in any vocation is an unfair trade practice. Statements regarding salaries (including "Earn up to $--" or similar words) must not be used unless:

(1) the salary quoted is no more than the average salary of persons employed less than 5 years in the indicated position and the advertisement states the basis for calculation of the average salary; or the advertisement states the basis for calculation of the salary stated and also discloses the average salary or income of persons employed less than 5 years in the indicated position; and (2) the advertisement states clearly and conspicuously that no guarantee is made that a person who purchases the advertised services will earn the stated salary or income unless the guarantee is actually offered by the school.

● The making of false, untrue, or deceptive statements or representations regarding any opportunities in any vocation as a result of completion of a course of instruction is an unfair and deceptive trade practice.

● A school shall not deceptively refer to its solicitors as "registrars", "counselors", "advisors", or misrepresent titles, qualifications, training, experience, or status of any other employee.

● In obtaining leads to prospective students, a school shall not represent that it is conducting a talent hunt or similar contest unless such is the fact and such representation is accompanied by a clear and conspicuous disclosure of the school's name, address, and the fact that it is a school if such is not apparent from its name. Schools which conduct talent hunts or contests should keep accurate records concerning the results thereof.

● A school shall not use any photograph or illustration in such a manner as to convey a false impression as to the size, importance, or location of the school or its equipment. (p. 17)

● See 3h, item 3.

● See 4c, item 5, point 5.

j. ● Schools shall keep records of attendance, progress, and grades.

● See 3i, item 23, last sentence; and 3m, item 2, point 2.

● See 4c, item 8.

k. ● Courses which are part residence and part correspondence, where one portion is prerequisite to the other, shall charge separately and equitably in relation to actual instructional costs for each portion. (p. 7)

● See 5d, items 4 and 5.

l. ● The student shall have the right to cancel an enrollment agreement until midnight of the third business day after receipt of notice of acceptance.

● Two copies of a separately printed notice of the cancellation privilege shall be given to the student at the time of application. The notice must: (1) be printed in 12-point boldface type; (2) appear under the conspicuous caption: "CUSTOMER'S RIGHT TO CANCEL"; and (3) read as follows: "You may cancel this agreement or purchase by either mailing a written notice to the seller postmarked not later than the third business day after the date you signed this agreement or purchased the goods or services, or by delivering such written notice to the seller, by 5 p.m. of the third business day after you signed this agreement or purchased the goods or services. If you wish, you may use this page as that notice by writing 'I hereby cancel' and adding your name and address. A duplicate of this page is provided by the seller for your records. The notice must be mailed or delivered to (insert name and mailing address of school)." "NOTE: Purchase of educational goods and services offered by a school is deemed to take place when acceptance of the student is communicated to the student by the school. Therefore, this three day cancellation privilege does not begin to run until the day after you receive notice of acceptance from the school." Details of form of cancellation and mailing restrictions were given. (pp. 19-20)

- A philosophy and principles of refund policy were given, stating the student's right to change his mind since "false starts" in education may be learning experiences in themselves. (p. 23)
- Full refund shall be made if: (1) cancellation is made in accordance with item 2; (2) the student accepted was unqualified (see 3g, item 4); or (3) enrollment was procured as a result of any misrepresentation.
- If a student cancels after the 72-hour cancellation period but before 75% of the course has been completed, the school's refund policy shall not permit any charge to a student which is in excess of the exact pro rata portion of the total contract price that the length of the completed portion of the course bears to the total length of the course, plus a surcharge of 15% of the cost of the course. The refund policy is further limited by the following: (1) if a student cancels a correspondence course prior to submission of the first completed lesson to the school, the surcharge may not exceed $50; (2) if a student cancels enrollment in a residence course prior to the start of classes, the surcharge may not exceed $100; (3) during the first week of classes of a residence course, the charge to the student may not exceed the larger of an exact pro rata refund on a daily basis or $100; (4) a course consisting of correspondence instruction and required residence instruction shall have its refund policy applied separately to each portion; (5) the pro rata portion of the course completed shall be determined by lessons completed in the case of correspondence schools, or classes or weeks completed in the case of residence schools; (6) if a residence course is longer than 12 months, all payments made for periods beyond the current school year shall be fully refunded; (7) refunds must be made and further obligations cancelled within 10 days; and (8) schools cannot make refunds conditional upon compliance with the school's regulations or rules of conduct. (pp. 24-25)

m.
- See 3h, item 5, point 3.
- If placement services are offered to students, standards of school performance will be required. Requirements are: (1) student referrals must result from direct contact between the school placement service and prospective employer representatives. A list of employers given graduates in and by itself will not be considered a placement service; and (2) documented evidence of student referrals shall contain number of referrals by company per individual student, results of referrals, final placement or other disposition, and percent of graduates placed.
- No communications between school representatives and prospective students shall state or imply job guarantees as a result of any placement service offered.
- It must be made clear to the student that the placement service provided by the school is offered to him as an assistance in working out his placement, but is not offered as an assumption of the responsibility for finding the student a job. (p. 21)
- Placement services not meeting these standards may be designated only as "Employment Advisory Services." Whenever reference to the service is made, affirmative disclosure is required that student referrals are not based on direct contact. (p. 22)

n.
- The school shall periodically make reports to students of their progress in courses. (p. 7)

4. Administration (WI-01-1):

a.
- The Wisconsin Educational Approval Board (or its executive committee of officers when the Board is not meeting) investigates schools doing business in the state whether located in-state or out-of-state, approves schools and courses, licenses agents, makes rules, approves schools whose agents wish to obtain licenses, may change required bond amounts which schools must file, may require proof of any representations made by the school in soliciting students, and may require proof that instruction can in fact prepare students for employment in the field taught. (From the whole document.)

b.
- Upon application, the Board or authorized representative shall investigate and inspect schools and approve those meeting its requirements and standards and complying with its rules. (pp. 3-4)
- Approval of schools prior to operation may be made on evidence that proposed facilities, materials, equipment, and instructional staff meet criteria for approval. (pp. 4-5)
- The Board or its representative shall investigate and review all approved schools and courses of instruction. The method of review generally will consist of such of the following as the Board deems appropriate: (1) consideration of information available from the Federal Trade Commission, Better Business Bureaus, Wisconsin Department of Justice--Office of Consumer Protection, other state or other official approval agencies, local school officials, or interested persons; (2) review of quarterly reports and statements from the school; (3) conferences with representatives of the school or interested persons including former students or their parents; (4) public hearing respecting the course of instruction under review with adequate written notice to the school; and/or (5) investigation by visitation of the school. (p. 9)

c.
- Schools may not add new courses of instruction without approval. (p. 3)
- Request for re-approval must be made 3 months before approval expiration, and may be based on quarterly reports or on a new application if the Board requires. (p. 4)
- A school operating in more than one location (30 miles apart) must have common control, must file separate information, and must have each location approved in order to be approved as one school. (p. 5)
- Solicitors must obtain separate permits for each school represented, unless the schools meet the description above of one school. (pp. 5, 11)
- Applications for school approval shall be on forms provided, accompanied by: (1) copies of all enrollment applications, which must meet requirements of 3h, item 4; (2) statement of refund policy, which must meet requirements of 31, items 4 and 5; (3) school catalog described in 3h, item 1; (4) description of school placement services; (5) copy of all advertising used or planned for use in the state; (6) current balance sheet and income statement audited and certified by an independent auditor or CPA (for the school or its responsible parent corporation); (7) bond; (8) description of school location, buildings, and equipment; (9) list of faculty and their education and experience; and (10) any other information the Board requires. (pp. 5-6)
- Applications for new solicitors' permits shall be on forms provided and accompanied by fee, bond, and a copy of the enrollment agreement to be used. Renewal applications shall be accompanied by bond and fee.
- New enrollment agreements must be furnished to the Board 10 days prior to use. (p. 11)

- Schools making material representations of fact must maintain records adequate to substantiate these. (p. 17)
- See 4f, item 1.

d. ● School approvals shall expire annually on September 1. (p. 4)
   ● Solicitors' permits are valid 1 year from date of issue.

e. ● See WI-01-2, 4e, all items.

f. ● Schools not yet in operation may receive initial approval for a period not to exceed 6 months. Prior to beginning the second month of operation, schools shall submit full information on space, materials, equipment, and faculty qualifications.
   ● The above period of initial approval applies also to added courses of instruction. (p. 5)

g. ● The Board shall maintain a list of approved schools and courses; it shall distribute a directory of such schools and courses to approved schools and to others on request. (p. 9)

5. Enforcement (WI-01-1):

a. ● The Board may withhold or revoke approval, investigate schools, and refuse or revoke solicitors' permits. (pp. 4, 9, 12)

b. ● The Board may investigate any school or courses upon complaint from an interested person. (p. 9)

c. ● Approval may be revoked, after proper notice and hearing, for failure to maintain standards, comply with rules, or meet requirements for approval. Refusal to allow reasonable inspection or supply requested information constitutes such failure. (p. 4)
   ● Failure to maintain an agent for service of process shall be cause for revocation. (p. 8)
   ● Solicitors' permits may be refused or revoked, after proper notice and hearing, on grounds cited in WI-01, 5c, item 1. (p. 12)

d. ● School bonds shall provide indemnification to any student or sponsor suffering loss or damage as a result of fraud or misrepresentation used in procuring his enrollment, violation of these regulations, refusal of proper refund, or the student being unable to complete courses because the school failed to perform its contractual obligations.
   ● Aggregate liability on a school bond shall not exceed the bond's penal sum. Claims against the bond may not exceed the amount of charges paid in advance.
   ● If a justified claim is made against the bond and the Board is unable to effect a settlement by persuasion and conciliation, the Board will demand payment by the principal on the bond. (p. 8)
   ● Assignees of student contracts take these subject to all claims and defenses of the student arising under the contract. Any promissory instrument used must state this limitation and also state that the instrument is non-negotiable.
   ● Schools shall not enter contracts wherein the student waives the right to assert claims against the school. Any such provision in a contract is null and void. (p. 20)
   ● See 5c, item 2.

WI-01-2

2. Application (WI-01-2):

Same as WI-01 and WI-01-1.

3. Coverage (WI-01-2):

i.
- It is an unfair trade practice to represent that a student may "Train now, pay later" unless it is actually school policy to defer student obligations until after the completion of training. Such representations may be used only where the school will not collect payments of tuition or fees until the student's course of instruction has been completed.
- It is an unfair trade practice to represent that the student may withdraw from a course of instruction and owe no further payments unless by terms of the contract the student's obligations actually are terminated by withdrawal, or to misrepresent in any other manner the school's cancellation and settlement policy.
- It is an unfair trade practice to represent falsely the nature of financial aids which may be available through any source so as to mislead the student about the amount of repayments, the schedule for repayments, or the source of the financial aids; to obtain any form or document which must be submitted for the purpose of obtaining financial aids if such form or document is signed in blank by the student; or to represent falsely the extent of the financial aids to which a student may be entitled.
- It is an unfair trade practice to make any representation or suggest any action on the part of the student which tends to defeat the purpose of the 3-business-day cancellation period described in WI-01-1, 3l, item 1, or any other "cooling off" period provided for by law or regulation. (p. 5)

j.

k. ● See 3i, item 3.
l. ● See 3i, items 2 and 4.

4. Administration (WI-01-2):

a. ● See 4i, item 3.
b.

c. ● Change of school ownership requires new approval and submission of an amended application. A school may request Board interpretation as to the application of this provision to a contemplated change of ownership or control. (p. 4)
d.

e.
- Fee for initial approval for one course of instruction is $150; for 2-4 courses, $300; for 5-8 courses, $400; over 8 courses, $500. Renewal fee for approval is $50.
- If approval is denied and appeal is not made or is unsuccessful, fees are not refundable.
- The Board may waive fees for re-instatement of approval if it deems re-evaluation to be unnecessary.
- Fee for an original solicitor's permit is $40; for renewal, $25. (p. 4)

5. Enforcement (WI-01-2):

c. ● Failure to pay renewal fees on or before due date shall be sufficient grounds for revocation of school approval. (p. 3)

WI-02

2. Application (WI-02):

Applies to senior institutions and to the 2-year collegiate centers of the System and extension.

Prohibits the Board of Regents from broadening the System's post-high school training to include the preparation of persons for semi-professional or skilled-trade occupations beyond those offered during the 1972-73 academic year. (p. 730)

3. Coverage (WI-02):

a.
- The Board shall delineate specific program responsibilities for each institution, ensuring the diversity of quality undergraduate programs, and promoting institutional autonomy within the controlling limits of System-wide policies and priorities.
- The Board shall delegate to each chancellor the necessary authority for the administration and operation of the institution.

b.
- The Board shall determine the educational programs to be offered and may discontinue those as it deems necessary.
- Subject to Board policy, each chancellor shall be responsible for designing curricula and setting degree requirements, determining academic standards, and establishing grading systems. (p. 721)

c.
- The Board shall establish types of degrees to be granted; it may confer such degrees and grant such diplomas as are usual or appropriate in universities. (p. 720)
- The Board shall establish policies for the appropriate transfer of credits between institutions in the System and may establish such policies with other educational institutions outside the System. (p. 722)

d.
- The Board shall adopt rules for tenure and probationary appointments, for review of faculty performance, and for the nonretention and dismissal of faculty. (p. 724)
- The faculty, subject to the Board and chancellor, shall have responsibility for the governance of each institution and for academic and educational activities. (p. 721)
- Subject to Board policy, each chancellor shall administer standards for faculty peer evaluation and screening candidates for appointment, promotion, and tenure.

e.
- The Board may adopt rules under Chapter 227 (Administrative Procedures) to protect the lives, health, and safety of persons on property under its jurisdiction. (p. 722)

f.
- The Board shall allocate funds and adopt budgets for the institutions and establish salaries. (p. 721)
- Subject to Board policy, the chancellor of each institution shall administer all funds allocated for use.

g.
- The Board shall establish policies for admission within the System; each institution shall establish specific requirements for admission to its courses of instruction within these policies.
- No sectarian or partisan tests or any tests based on race, religion, national origin, or sex shall be allowed in the admission of students. (p. 722)

h.

i.

j.

k.
- The Board may make grants to students from funds budgeted to or controlled by the System and formulate rules for such grants.
- The Board may establish for different classes of students differing tuition and fees and may charge specified students a nonresident tuition. (p. 728)
- Within specified limits, the Board may remit nonresident tuition either in whole or in part, but not other fees. (p. 729)

4. Administration (WI-02):

a.

b.
- The Board shall not create or discontinue any university or center unless specifically authorized by the Legislature.
- The Board shall not create, except as specifically authorized by the Legislature, any new college or school that has academic programs at the graduate or professional post-baccalaureate level. (pp. 720-721)

c.
- The Board shall annually report on the progress, condition, and needs of each institution, the courses of study in each, the number of faculty and students, and the amount of receipts and disbursements. (p. 728)

d.

e.

f.

g.
- The Board of Vocational, Technical and Adult Education shall not, without the approval of the Board of Regents, broaden the System's college parallel program offerings beyond those in existence during the 1972-73 academic year. (p. 730)

5. Enforcement (WI-02):

a.

b.

c.

d.
- Any person who violates any rule created to protect the lives, health, and safety of persons on property under the Board's jurisdiction may be fined not more than $500 or imprisoned not more than 90 days or both.
- The Board may obtain injunctive relief to enforce this Chapter or any rules adopted under this Chapter. (p. 722)

WI-02-1

2. Application (WI-02-1):

University of Wisconsin System.

Rules and procedures developed pursuant to Chapters UWS 3-7 (faculty rules) by the faculty at each institution shall be approved by the Board of Regents, and unless disapproved or altered by the Regents, shall be in force and effect as rules of the Regents. (p. 3)

3. Coverage (WI-02-1):

a.

b.

c.

d.
- Chapters 3-7 specify types of faculty appointments, methods for faculty recruitment, granting of tenure, procedures for dismissal of faculty, and procedures for dealing with complaints against faculty and grievances of faculty. (pp. 5-25)
- The faculty of each institution shall develop rules to govern faculty activities outside of institutional responsibilities. (p. 27)
- Chapter UWS 8 specifies a code of ethics for faculty and staff, including guidelines for dealing with conflicts of interest. (p. 30)

e.

f.

g.

h.
- Each institution shall publish and make available to students a copy of the University System disciplinary code. (p. 73)

i.

j.

k.

l.

m.

n.
- Chapter UWS 17 includes the Regents' policy on standards and procedures for student discipline, including hearing and appeal procedures.

WI-03

2. Application (WI-03):

Applies to vocational, technical, and adult education districts.

Includes Section 38.51, Educational Approval Board, as the approval agency for private schools. (See WI-01.)

3. Coverage (WI-03):

a. ● The District Board of each vocational, technical, and adult education school, under the general supervision of the State Board, shall have exclusive control of the district school and its property. (p. 735)

b. ● The courses of study offered in district schools shall be approved by the State Board.

● Collegiate transfer programs shall not comprise more than 25% of the credit hours offered in a vocational, technical district.

c. ● The State Board may authorize district boards to grant associate degrees for successful completion of associate degree programs (2-year post-secondary approved programs). (p. 734)

● Vocational diploma programs are 1- or 2-year full-time programs in areas approved by and course requirements established by the State Board. (p. 733)

d. ● The qualifications of teachers shall be approved by the State Board; each district board shall employ and fix the compensation of the director, faculty, and staff. (p. 736)

e. ● The District Boards may purchase or lease land, purchase, lease, or construct buildings, and purchase or lease equipment necessary for the district schools.

f. ● The State Board shall establish a uniform accounting system for fiscal, enrollment, program, and other data, and require that budgets from each district be uniform in format and be submitted annually to the State Board. (p. 734)

● State aid to districts shall be based on a percentage of statewide operational cost per full-time equivalent student. (p. 739)

g. ● Students are eligible to attend the district schools if they are residents, nonresidents employed in the district, nonresidents whose own districts do not offer specific desired courses, and nonresidents of the state if the district board approves their enrollment.

● The State Board shall establish procedures to determine the residence of students. (p. 738)

h.

i.

j.

k. ● The State Board shall establish uniform fees based on 25% of the statewide average instructional costs of liberal arts collegiate transfer programs in district schools. For nonresidents the district boards shall establish tuition charges.

● District boards may charge course fees for the cost of materials. (p. 739)

l. • The State Board shall establish fee and tuition refund policies. (p. 738)

m.

n. • The State Board shall cooperate with the federal government in carrying out any federal act pertaining to vocational, technical, and adult education.
• The district boards may contract with public educational institutions and other district boards for instructional services. (p. 736)

4. Administration (WI-03):

a.

b.

c. • Each district shall annually report to the State Board the cost of maintaining the district schools, the activities, the number, names, and qualifications of teachers employed, and the number of full-time students enrolled.

5. Enforcement (WI-03):

a. • The State Board may withhold or suspend, in whole or in part, payment of state aid to any district board whose academic program or faculty does not meet minimum standards set by the Board. The Board may discontinue aids to those programs which are no longer necessary to meet needs within the state. (p. 739)

WI-03-1

2. Application (WI-03-1):

Rules of the State Board of Vocational, Technical, and Adult Education apply primarily to the certification requirements and procedures for instructional staff, supervisors and administrators, and the academic staff including counselors and librarians. Approval status is granted on a yearly basis to qualified applicants employed on a part-time basis. Provisional, 5-year, and life certification procedures and requirements are specified for all educational personnel.

WYOMING

1. Identification:

WY-01

Chapter 12 -- Private School Licensing

Effective date:

Stated purpose:

Basic effect: Requires schools and agents to be licensed by the State Board of Education; requires schools to meet standards and be bonded; establishes fees and penalties for violations.

Basic coverage: Private degree and non-degree granting

WY-01-1

Wyoming Private School Licensing Rules and Regulations

Effective date: 1 January 1974

Stated purpose:

Basic effect: Defines schools exempted from WY-01; sets standards and procedures for school operation; defines reasons for license refusal or revocation.

WY-03

The University of Wyoming

Effective date:

Stated purpose: "...to provide an efficient means of imparting to young men and young women, without regard to color, on equal terms, a liberal education... with a thorough knowledge of the various branches connected with the scientific, industrial, and professional pursuits." (p. 429)

Basic effect: Creates the Board of Trustees as the governing body of the University of Wyoming, established as a tuition-free public institution of higher education funded by legislative appropriations; authorizes the University to provide joint operations with community colleges or university centers and to establish an accrediting committee.

Basic coverage: Public degree granting

WY-04

Community College Commission

Effective date: Includes 1971 amendments

Stated purpose:

Basic effect: Establishes the Community College Commission for general supervision and statewide coordination of the community colleges, junior colleges, and university centers and for recommendation of minimum standards and setting of uniform procedures with the Board of Trustees of the University of Wyoming.

Basic coverage: Public degree and non-degree granting

WY-01

2. Application (WY-01):

"It shall be unlawful for [trade, correspondence, technical, vocational, business, or other nonparochial private schools located within Wyoming, or located outside but doing business within Wyoming]...or the proprietor or agent thereof to do business in or operate in Wyoming without first obtaining a license...."

Both schools domiciled in-state and schools domiciled out-of-state but soliciting students in-state must be licensed, as well as their agents. (p. 1)

Exemptions:

a. Parochial schools
b. Schools domiciled in Wyoming teaching techniques of outdoor recreation, leadership, ecology, or conservation (p. 2)
NOTE: See exemption b regarding in-state schools.

3. Coverage (WY-01):

The State Board of Education shall establish minimum standards for all such schools.

f. ● Before school licenses will be issued, schools shall submit $10,000 bonds to the State Department of Education to be approved by the Attorney General. Bonds shall be renewed annually.
g.
h.
i. ● The State Board of Education may regulate the qualifications of agents. (p. 1)
j.
k.
l.
m.
n. ● See Section 6.

4. Administration (WY-01):

a. ● See Section 3 introduction and 3i. In addition, the State Board of Education licenses schools and agents and provides for investigation and evaluation of schools as it deems necessary.
   ● The Department of Education is custodian of bonds filed.
   ● The Attorney General approves bonds before school licenses are issued.
b. ● See 4a, item 1.
c. ● See 3f, item 1.
d. ● See 4e.

e. • Schools shall pay a $50 license fee annually. Agents shall pay a $25 license fee annually.
   • All fees shall be paid into the General Fund. (p. 1)

5. Enforcement (WY-01):

a. • See 5d, item 1.
b. • See 5d, items 1 and 3.
c.
d. • Any person violating provisions of this Chapter may be enjoined or ousted from continuation of such violation by proceedings brought by the Attorney General, any county attorney, any school official, or any aggrieved citizen, regardless of whether criminal proceedings have been instituted.
   • Violation of this Chapter is a misdemeanor punishable by a fine of up to $100, imprisonment up to 6 months, or both. Each solicitation of enrollment or transaction of business without a license shall constitute a separate offense. (p. 2)
   • The Department of Education may render administrative, but not legal, assistance to all aggrieved persons who may be entitled to relief under a bond.
   • Bonds are to assure protection to all persons enrolled in a course of study who may be aggrieved by any school doing business or operating in Wyoming.

6. Other (WY-01):

No official or employee of the Wyoming State Department of Education, any college or university, or any school district within the state shall permit any school or agent to solicit business in any public school within this state; nor shall any official or employee provide any list of students or prospects to any school or agent unless such school or agent has obtained a license under this Chapter. (p. 1)

WY-01-1

2. Application (WY-01-1):

"No private school...or proprietor thereof, shall solicit students, do business in, or operate in Wyoming without first obtaining a license as required by [WY-01]." (p. 2)

See 31, item 2.

"Private school" means a business enterprise operated for a profit or on a non-profit basis, maintained within the state or soliciting students within the state, and offering courses to prepare any person for a field of endeavor through classroom instruction, laboratory study, correspondence, or any combination of these.

Exemptions: In addition to the two exemptions listed in WY-01, the following types of schools are exempt from coverage under this Act:

a. Courses sponsored by an employer for employees
b. Courses or other studies sponsored by a recognized trade, business, or professional organization, governmental agency, or political subdivision for the group's members
c. Schools regulated and licensed under other state laws governing specific trades or professions
d. Schools offering pre-school activities.

NOTE: See 4e for different fees for agents of in-state and out-of-state schools.
NOTE: See 5c, item 2, point 5 regarding accreditation.

3. Coverage (WY-01-1):

A license will be granted when the State Department determines that the school is in compliance with the following minimum standards:

a.
b. • Subjects, courses, curricula, and instruction shall be consistent in length, intensity, and educational quality necessary to reach their professed objectives.
   • Courses and curricula shall be organized on a systematic basis and when applicable shall include classrooms, fields, shops, laboratories, or work experience training.
   • Subjects, courses, and curricula shall be designed to increase students' skill, knowledge, occupational information, and understanding. (pp. 5-6)
   • Subject matter content shall include instruction in safety applicable in the field. (p. 7)
   • See 5c, item 2, point 6.
c. • Each school shall issue a certificate to each student indicating course(s) of instruction including number of hours satisfactorily completed. (p. 8)
d. • Directors, administrators, and instructors shall have adequate educational qualifications and work experience as wage earners in their areas of responsibility. (p. 3)
   • Instructional staff must be large enough to properly serve student enrollment. (p. 7)

- The school's chief executive officer, directors, owners, administrators, supervisors, and instructors shall be of good moral character. (p. 8)
- Each director or administrator shall have adequate qualifications for competent business and/or school administration.
- Each school shall have one person at a supervisory level who is well versed in educational procedures, as shown by: (1) possession of a valid teachers certificate; (2) completion of four years of successful full-time teaching and/or supervisory experience in public or private schools; (3) course work in teaching methods equivalent to that required in a degree program leading to a teaching certificate; or (4) by the school's demonstrating that the requirement is being met by proven teacher competencies commensurate with training objectives of the school.
- Instructors and supervisors shall have a background of education training and/or teacher education in the specific area of teaching to show adequate competencies to enable them to successfully fulfill training objectives. In addition, instructors and supervisors shall have had recent experience in the field sufficient in nature, quality, and duration to assure successful performance of duties. (pp. 9-10)
- See 3j, item 1, point 8.
- See 4c, item 2, point 12.

e.
- Schools shall have facilities such as equipment, tools, machines, classrooms, laboratories, and work stations adequate in quality, quantity, and variety consistent with a proper educational environment to meet training needs of stated vocational objectives. (pp. 2, 7)
- Schools shall comply with all municipal, county, state, and federal regulations such as fire, building, and sanitation codes. Facilities and equipment shall conform to safety and health requirements of all governmental agencies. (pp. 3, 8)
- Classroom and laboratory facilities shall be properly heated, lighted, and ventilated with adequate teaching equipment, materials, supplies, and other teaching aids for reasonable instruction and learning. Equipment shall be suitable to provide quality instruction. (p. 7)

f.
- Schools shall be financially sound and capable of fulfilling commitments for training. (p. 3)
- See WY-01, 3f concerning bonds.
- School owners shall possess resources sufficient for proper maintenance of satisfactory instruction and for discharge of all obligations to students. (pp. 8-9)

g.
- No license will be issued to a school which denies enrollment to, or makes distinctions among, pupils because of race, creed, color, or sex. (p. 5)

h.
- Each school shall prominently display a valid license. (p. 5)
- Prior to enrollment, the school shall furnish prospective students with a published copy of the course outline in sufficient detail to adequately describe course(s) offered. Tuition schedule and refund policy shall also be presented prior to enrollment. (pp. 5, 6)
- Enrollment agreements or contracts shall clearly set forth all conditions for enrollment and course completion plus all other rules and conditions the school desires to set forth. (p. 8)

i.
- Schools shall not utilize advertising or sales practices which are erroneous or misleading by statement, omission, or implication. (p.3)
- No person employed by a school shall solicit a prospective student unless that person is carrying a valid agent's permit. (p. 4)
- Schools must have a valid license to begin solicitation of students. (p. 5)

● Private schools shall not use advertising which is untrue, deceptive, or ambiguous. All publicity shall conform to the following standards: (1) it shall be based upon relevant facts and supporting evidence; (2) guarantees of placement for graduates shall not be promised or implied, though the school may state that it will assist in placement of graduates; (3) schools shall advertise only as schools under their approved names and not in conjunction with any other business or establishment; (4) schools shall not claim that they will train students completely in any given length of time; and (5) schools shall not advertise that they are endorsed by manufacturers, business establishments, or organizations until and unless written evidence of this fact is submitted to the State Department and approved.
● Specific permissible wording for reference to licensure is given. (p. 9)
● See 3j, item 1, point 2 regarding submission of advertising materials.

j. ● Each private school shall maintain adequate records and make them available for inspection, including: (1) all approved courses of study; (2) copies of all promotional material, bulletins, and advertising; (3) students' permanent records showing attendance, progress, tuition payments, and termination and/or placement of the student; (4) school rules and regulations; (5) student entrance applications showing date enrolled, age, and address; (6) copy of the certificate of graduation or completion; (7) copy of current tuition schedule, refund schedule, and admission policy; and (8) official transcripts or professional records and work experience of all administrators, directors, supervisors, and instructors of the school. (p. 8)

k.

l. ● The minimum refund policy shall be: (1) if a student notifies the school within 72 hours after signing up that he will not attend, he shall receive a full refund; (2) if, after 72 hours but before training starts, the student declines to attend school, the school may retain 10% of the course cost or $50, whichever is less; (3) if a student completes 1% to 24% of the total length of the course, or total lessons in the case of correspondence schools, the school may retain registration fee plus 25% of the tuition; (4) if a student completes 25% to 49% of the total course or lessons, the school may retain registration fee plus 50% of tuition; (5) if a student completes 50% or more of the course or lessons, no refund is due; (6) if, for any reason beyond his control, the student cannot continue training, the school shall be obligated to make fair and just refund accordingly. The student must be able to substantiate the fact that he cannot continue training because of reasons beyond his control. If a settlement cannot be reached, the services of the State Director may be used by the parties to reach agreement on the amount, if any, due the student; (7) all money due and owing to the student shall be refunded within 30 days of his leaving school; and (8) separately stated fees for breakage, books, equipment, and supplies shall be refunded on the basis of amounts actually spent by the school for these items.

m. ● See 3i, item 4, point 2.

n. ● Items purchased by the student may be disposed of at the student's discretion. (p. 7)

4. Administration (WY-01-1):

a. ● The State Department of Education determines that schools meet standards, accepts applications, and issues licenses. (pp. 2, 3, 5).
● The State Board promulgates rules and regulations under WY-01. (p. 1)

b.

c. - All courses of study must be submitted to the Department on forms provided. Applications may be made to the Department in the manner it prescribes. (p. 3)
   - Applications shall be accompanied by: (1) financial statement or other appropriate evidence to substantiate school financial solvency; (2) list of three references, at least one from a bank; (3) copies of all enrollment contract forms; (4) tuition schedule; (5) tuition refund schedule; (6) copy of each course outline; (7) information concerning equipment and tools; (8) official copy or photostat of any license or certificate issued to the school by any governmental agency; (9) certificate of completion or graduation certificate; (10) copy of attendance record form; (11) copy of all current school catalogs, bulletins, and other published materials, including form letters, advertising, and circulars; (12) completed personnel data form for each director, administrator, supervisor, teacher, and agent; (13) statement of compliance (sic); (14) names of all agents, employees, solicitors, owners, or other persons who solicit persons to enroll; (15) fee; and (16) bond (see WY-01, 3f, item 1). (p. 4)
   - New agents must submit applications and be approved. Applications and renewals must be accompanied by fee and evidence of the school's financial solvency. (pp. 4-5)
   - Schools may conduct only approved courses. Changes must be reported to the Department within 30 days. (p. 5)
   - Schools shall submit information on education and experience of administrators, directors, supervisors, and instructors on forms provided. Information on new employees should be submitted before they are hired, but must be submitted within 30 days after hiring. (p. 8)

d. - School and agent licenses are valid for one year beginning 1 July. (pp. 4-5)

e. - Original and renewal school license fee is $50. Original and renewal license fee for agents of in-state schools is $15; original and renewal license fee for agents of out-of-state schools is $25. Fees are not prorated. (pp. 3-5)

5. Enforcement (WY-01-1):

a. - The State Department of Education may refuse to issue, refuse to renew, revoke, or suspend licenses pursuant to the Wyoming Administrative Procedures Act.

b. - See WY-01, 5d, item 3.

c. - See 5a.
   - In addition to any other clause set forth in the Act or regulations, the Department may refuse to issue or renew or may revoke licenses for the following causes: (1) furnishing false, misleading, or incomplete information to the Department or failing to furnish information requested; (2) violating any commitment made in the application for license; (3) presenting to prospective students misleading information regarding the school, employment opportunities, or qualifications for entering or transferring credits to institutions of higher learning after completing courses offered; (4) conducting instruction in any course or field which has not been submitted to the Department; (5) conferring a degree upon any person unless such degree is recognized by an accrediting agency approved by the Department (NOTE: This does not mean that the Department

licenses degree-granting schools under this Act; it does not); (6) offering any course of instruction which does not possess sound education values (to be judged primarily on how well it fulfills announced purposes and objectives); or (7) soliciting person(s) to enroll without an agent's permit in the solicitor's possession. In addition, the State Department may refuse to renew or may revoke any license for good and just cause.

d. • See WY-01, 5d, items 3 and 4.

6. Other (WY-01-1):

See WY-01, Section 6.

WY-03

2. Application (WY-03):

Applies to the University of Wyoming which is authorized to enter into agreements with community college district boards and the boards of school districts operating junior colleges or university centers for the joint operation of the institutions in whole or in part.

Services, facilities, and staff members of the University may be furnished to institutions under joint operation agreements.

Joint operation agreements may provide for the granting of University credit for collegiate work done in such institutions. (p. 431)

3. Coverage (WY-03):

a. • The president and professors of the University shall have the power to enforce the rules and regulations adopted by the Trustees for the government of students. (p. 429)

b. • The Board of Trustees shall prescribe the course of studies.

c. • The University is authorized to establish an accrediting committee to determine the credit to be granted by the University for work taken in community or junior colleges, and university centers. (p. 431)
   • The Board of Trustees shall have the power to confer degrees and grant diplomas as are usual in universities. (p. 436)

d. • No sectarian or partisan test shall be exercised or allowed in the election or removal of professors, teachers, or officers of the university. (p. 436)
   • The Board shall elect the requisite officers, professors, and instructors, and fix the salary and term of office of each. (p. 435)

e.

f.

g. • No sectarian or partisan test shall be allowed in the admission of students.
   • A certificate of graduation from high school shall qualify a student for admission to state institutions of learning. (p. 427)

h.

i.

j.

k. • Tuition for youth of the state shall be as nearly free as possible. (p. 430)

4. Administration (WY-03):

c. • The Board shall report annually to the Governor concerning the courses of study, the number of professors and students, the progress and needs of the University, and the receipts and expenditures.
   • The report shall be distributed to the Legislature and other public officers. (p. 436)

WY-04

2. Application (WY-04):

Applies to the community and junior colleges and university centers.

The Commission shall assist in the accrediting of community colleges with the University or the regional accrediting agency. (p. 581)

3. Coverage (WY-04):

a. • The Commission shall make recommendations to the Legislature concerning personnel, administrative and fiscal policies, and procedures for community colleges, their relationships with each other and with the University of Wyoming.
b. • The Commission shall formulate uniform methods and procedures for the designation of courses and credit hours and shall prescribe minimum standards. (p. 581)
c. • The Commission, jointly with the Board of Trustees of the University, shall prescribe standards for the Associate in Arts degree. (p. 470)
d.
e.
f. • The Commission shall receive and administer all federal funds and programs, except where legislation specifically designates another state agency. (p. 581)
  • The Commission shall biennially submit a single community college budget request to the Legislature. (p. 581)
  • A tax of four mills on the taxable valuation of the district must be levied for the regular support and operation of the college. (p. 580)

4. Administration (WY-04):

c. • The Commission shall prescribe the form and content of reports that shall be made annually to the Commission by each community college. (p. 581)

5. Enforcement (WY-04):

a. • The Commission shall act as a board of final appeal for the arbitration of disputes and differences between community colleges or which may arise on the staff or Board of Trustees of any of the community colleges when requested to by the local college district. (p. 581)